THE

BENGAL LEGISLATIVE COUNCIL

PROCEEDINGS.

(Official Report.)

TWELVTH SESSION.

1923.

VOLUME XII.

(2nd to 5th July, 1923.)

CALCUTTA:
Bengal Secretariat Book Depot.
1923.

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble Victor Alexander George Robert Bulwer-Lytton, Earl of Lytton, P.C., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M. Maharajadhiraja Bahadur of Burdwan, Vice-President, in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Forests.
4. Irrigation.
5. Excluded Areas.
6. European Education.

The Hon'ble Sir Abd-ur-Rahim, Kt., in charge of the following portfolios:—

1. Judicial.
2. Emigration.
3. Immigration
4. Jurisdiction.
5. Legislative.
6. Haj Pilgrimage.

The Hon'ble Mr H. L. Stephenson, C.S.I., C.I.E., in charge of the following portfolios:—

1. Appointment.
2. Political—excluding Haj Pilgrimage.
3. Police.
4. Jails.
5. Ecclesiastical.

The Hon'ble Mr. J. Donald, C.I.E., in charge of the following portfolios:—

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2. Separate Revenue.
3. Commerce and Reserved Industrial Subjects.
4. Marine.

MINISTERS.

The Hon'ble Sir SURENDRA NATH BANERJEA, Kt., in charge of the following portfolios:—

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The Hon'ble Mr. PROVASH CHUNDER MITTER, C.I.E., in charge of the following portfolio:—

Education

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, C.I.E., in charge of the following portfolios:—

Agriculture and Public Works

GOVERNMENT OF BENGAL.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Mr. H. E. A. COTTON, C.I.E.

DEPUTY-PRESIDENT.

Babu SURENDRA NATH RAY.

Secretary to the Council—C. TINDALL, C.I.E., I.C.S.

Deputy Secretary—A. M. HUTCHISON.

Assistant Secretary to the Council.—K. N. MAZUMDAR.

Registrar to the Council—J. W. McKAY.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Addy, Babu Amulya Dhone (Bengal National Chamber of Commerce)
Afzal, Nawabzada K. M., Khan Bahadur [Dacca City (Muhammadan)]
Ahmed, Khan Bahadur Maulvi Emaduddin. [Rajshahi South (Muhammadan).]
Ahmed, Khan Bahadur Maulvi Wasimuddin. [Pabna (Muhammadan).]
Ahmed, Maulvi Azaharuddin. [Bakarganj West (Muhammadan).]
Ahmed, Maulvi Rafi Uddin [Jessore South (Muhammadan).]
Ahmed, Maulvi Yakuinuddin. [Dinajpur (Muhammadan)]
Ahmed, Mr. M. [Faridpur South (Muhammadan).]
Ahmed, Munshi Jafar. [Noakhali (Muhammadan).]
Aley, Mr. S. Mahboob [Calcutta South (Muhammadan).]
Ali, Maulvi Syed Muksood. [Barrackpore Municipal (Muhammadan).]
Ali, Mr. Syed Erfan. [Nadia (Muhammadan).]
Ali, Mr. Syed Nasim [24-Parganas Rural (Muhammadan).]
Ali, Munshi Amir. [Chittagong (Muhammadan).]
Ali, Munshi Ayub. [Chittagong (Muhammadan).]
Arhamuddin, Maulvi Khandakar. [Mymensingh West (Muhammadan).]
Azam, Khan Bahadur Khwaja Mohamed. [Dacca East Rural (Muhammadan).]

B

Banerjea, the Hon'ble Sir Surendra Nath. [Minister, 24-Parganas Municipal (Non-Muhammadan).]
Banerjea, Dr. Pramathanath. [Calcutta East (Non-Muhammadan).]
Banerjee, Rai Bahadur Abinash Chandra. [Birbhum (Non-Muhammadan).]
Barma, Rai Sahib Panchanan. [Rangpur (Non-Muhammadan).]
Barton, Mr. H. (Anglo-Indian.)
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Bell, Mr. J. W. A. (Bengal Chamber of Commerce).
Bhattacharji, Babu Hem Chandra. (Nominated Non-official—Labouring Classes.)
Birley, Mr. L. (Nominated Official.)
Bose, Mr. S. M. [Mymensingh East (Non-Muhammadan).]

C

Carey, Mr. W. L. (Indian Mining Association.)
Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]
Chaudhuri, Babu Tankanath. [Dinajpur (Non-Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman. [Bogra (Muhammadan).]
Chaudhuri, Maulvi Shah Muhammad. [Malda *cum* Jalpaiguri (Muhammadan).]
Chaudhuri, Rai Harendranath. [24-Parganas Rural North (Non-Muhammadan).]
Chaudhuri, Sir Asutosh. [Bogra *cum* Pabna (Non-Muhammadan).]
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur. [Minister, Mymensingh East (Muhammadan).]
Choudhury, Khan Bahadur Maulvi Rahmatjan. [Faridpur North (Muhammadan).]
Chowdhury, Maulvi Fazlal Karim. [Bakarganj North (Muhammadan).]
Cohen, Mr D. J. [Calcutta South Central (Non-Muhammadan).]
Cooper, Mr Charles G (Indian Jute Mills Association.)
Crawford, Mr T. C (Indian Tea Association.)

D

Das Babu Bhimadev (Nominated Non-official—Depressed Classes.)
Da [Calcutta North-West (Non-Muhammadan).]
Da Bahadur Nibaran Chandra [Bakarganj North (Non-an).]
De (Nominated Official.)
De Panindralal [Hooghly *cum* Howrah and Rural (Non-an).]
De A [Dacca and Chittagong (European).]
De (Nominated Official.)
De ible Mr J (Member, Executive Council.)
De T (Nominated Official.)
Do ur Pyari Lal [Dacca City (Non-Muhammadan).]
Du Chunder [Bankura East (Non-Muhammadan).]
Du ur Dr Haridhan [Calcutta North Central (Non-an).]
Du nada Charan [Chittagong (Non-Muhammadan).]
Du u Bhushan. [Tippera (Non-Muhammadan).]
Du (Nominated Official.)

E

Ew (Nominated Official.)

F

Faroqui, Mr. K. G. M. [Tippera (Muhammadan).]
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

C

Ghatak, Rai Bahadur Nilmani. [Malda (Non-Muhammadan).]
Ghose, Mr. D. C. [24-Parganas Rural South (Non-Muhammadan).]
Ghose, Rai Bahadur Jogendra Chunder. (Calcutta University.)
Goode, Mr. S. W. (Nominated Official.)
Gupta, Rai Sahib Mahendra Nath. (Expert Nominated.)

H

Haq, Maulvi A. K. Fazl-ul. [Khulna (Muhammadan).]
Haq, Shah Syed Emdadul. [Tippera (Muhammadan).]
Hornell, Mr. W. W. (Nominated Official.)
Huntingford, Mr. G. T. (Nominated Official.)
Huq, Maulvi Ekramul. [Murshidabad (Muhammadan).]
Hussain, Maulvi Md. Madassur. [Burdwan Division North (Muhammadan).]

J

Janah, Babu Sarat Chandra. [Midnapore South (Non-Muhammadan).]
Jones, Mr. J. A. [Presidency and Burdwan (European).]

K

Karim, Maulvi Fazlal. [Bakarganj, South (Muhammadan).]
Khaitan, Babu Deb Prosad. (Nominated Non-official.)
Khan, Babu Debendra Lal. [Midnapore North (Non-Muhammadan).]
Khan, Maulvi Hamid-ud-din. [Rangpur East (Muhammadan).]
Khan, Maulvi Md. Rafique Uddin. [Mymensingh East (Muhammadan).]
Khan, Mr. Razaur Rahman. [Calcutta North (Muhammadan).]
Khan Chaudhuri, Khan Bahadur Maulvi Md. Ershad Ali. [Rajshahi North (Muhammadan).]

L

Law, Raja Reshee Case. (Bengal National Chamber of Commerce.)
Leslie, Mr. W. L. (Calcutta Trades Association.)

M

Maharajadhiraja Bahadur of Burdwan, the Hon'ble. (Member, Executive Council.)
Makramali, Munshi. [Noakhali (Muhammadan).]

Mallik, Babu Surendra Nath. [Calcutta South (Non-Muhammadan).]
Marr, Mr. A. (Nominated Official.)
McAlpin, Mr. M. C. (Nominated Official.)
McCay, Lieutenant-Colonel David. (Nominated Official.)
Mitra, Rai Bahadur Mahendra Chandra. [Hooghly Municipal (Non-Muhammadan).]
Mitter, the Hon'ble Mr. P. C. (Minister, Presidency Landholders.)
Moitra, Dr. Jatindra Nath. [Faridpur North (Non-Muhammadan).]
Mukharji, Babu Satish Chandra. [Hooghly *cum* Howrah Rural (Non-Muhammadan).]
Mukherjee, Babu Nitya Dhon. [Hooghly Municipalities (Non-Muhammadan).]
Mukherji, Professor S. C. (Nominated Non-official—The Indian Christian Community.)
Mukhopadhaya, Babu Sarat Chandra. [Midnapore South (Non-Muhammadan).]
Mullick, Babu Nirode Behary. [Bakarganj South (Non-Muhammadan).]

N.

Nakey, Mirza Muhammad Ali [24-Parganas Municipal South (Muhammadan).]
Na[illegible]er, Babu Hem Chandra. [24-Parganas Rural Central (Non-[illegible]madan).]

P.

P[illegible] [illegible]aulvi Md. Abdul Jubbar. [Mymensingh West (Muham-
P[illegible] [illegible]. Y. (Bengal Chamber of Commerce.)
P[illegible] [illegible] Keshoram (Bengal Marwari Association.)

R

R[illegible] [illegible] Abdur. (Nominated Non-official.)
R[illegible] [illegible]on'ble Sir Abd-ur-. (Member, Executive Council.)
R[illegible] [illegible]Prasanna Deb. [Jalpaiguri (Non-Muhammadan).]
R[illegible] [illegible] Shah Abdur. [Rangpur West (Muhammadan).]
R[illegible] [illegible]abendra Chandra. [Jessore North (Non-Muhammadan).]
R[illegible] [illegible]rendra Nath. [Deputy-President, 24-Parganas Municipal [illegible]on-Muhammadan).]
R[illegible] [illegible] Shib Shekhareswar. (Rajshahi Landholders.)
R[illegible] [illegible]dur Upendra Lal. (Chittagong Landholders.)
R[illegible] [illegible]i, Babu Brojendra Kishor. (Dacca Landholders.)

Ray Chaudhuri, Mr. Krishna Chandra. (Nominated Non-official—Labouring Classes.)
Ray Choudhury, Raja Manmatha Nath. [Mymensingh West (Non-Muhammadan).]
Rishi, Babu Rasik Chandra [Noakhali (Non-Muhammadan).]
Robertson, Mr. F. W. (Nominated Official.)
Rose, Mr. G. F. (Indian Jute Mills Association.)
Roy, Babu Jogendra Krishna. [Faridpur South (Non-Muhammadan).]
Roy, Babu Jogendra Nath. [Dacca Rural (Non-Muhammadan).]
Roy, Babu Nalini Nath. [Jessore South (Non-Muhammadan).]
Roy, Maharaja Bahadur Kshaunish Chandra [Nadia (Non-Muhammadan).]
Roy, Mr. Bivoyprosad Singh [Burdwan (Non-Muhammadan).]
Roy, Mr. J. N. (Nominated Official.)
Roy, Mr. Tarit Bhusan (Bengal Mahajan Sabha.)
Roy, Rai Bahadur Lalit Mohan Singh (Burdwan Landholders.)
Roy, Raja Manilall Singh [Burdwan (Non-Muhammadan).]
Roy Chaudhuri, Babu Satkara Nath [Khulna (Non-Muhammadan).]

S

Salam, Khan Bahadur Maulvi Abdus [Jessore North (Muhammadan).]
Sarkar, Babu Jogesh Chandra [Rangpur (Non-Muhammadan).]
Sarkar, Babu Rishindra Nath [Bankura West (Non-Muhammadan).]
Shakespear, Mr. W. A. (Bengal Chamber of Commerce.)
Sinha, Babu Surendra Narayan [Murshidabad (Non-Muhammadan).]
Skinner, Mr. H. E. (Bengal Chamber of Commerce.)
Stark, Mr. H. A. (Anglo-Indian.)
Stephenson, the Hon'ble Mr. H. L. (Member, Executive Council.)
Stuart-Williams, Mr. S. C. (Nominated Official.)
Suhrawardy, Dr. A. [Dacca West Rural (Muhammadan).]
Suhrawardy, Dr. Hassan. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Suhrawardy, Mr Huseyn Shaheed [Burdwan Division South (Muhammadan).]

T

Travers, Mr. W. L. [Rajshahi (European).]

V.

Villiers, Mr. F. E. E. [Presidency and Burdwan (European).]

W.

Willis, Mr. Arthur d'Anvers. (Bengal Chamber of Commerce.)

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Twelvth Session.)

VOLUME XII.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 2nd July, 1923, at 3 P.M

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 101 nominated and elected members

Oath or affirmation.

The following members made an oath or affirmation of their allegiance to the Crown:—

1. Mr. H. P. DUVAL
2. Lieutenant-Colonel DAVID McCAY
3. Mr. ARTHUR d'ANYERS WILLIS
4. Mr. W. A SHAKESPEAR.
5. Rai Saheb MAHENDRA NATH GUPTA

Appointment of Panel of Chairmen.

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): GENTLEMEN,—In accordance with the provisions of Rule 3 of the Bengal Legislative Council Rules, 1920, I have nominated the following members of Council to form a panel of four Chairmen, viz.:—

Kumar Shib Shekhareswar Ray.
Mr. W. L. Carey.
Babu Jatindra Nath Basu.
Maulvi Syed Nasim Ali.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Council in *my absence and in the absence of the Deputy-President.*

Death of Council Member.

Mr. PRESIDENT: It is with great regret that I have to refer today to the death of Colonel Archibald John Pugh who was till very recently a member of this Council. Colonel Pugh was elected as one of the members of the general European constituency for the Presidency and Burdwan Divisions at the general election of 1920 and was a regular attendant at the meetings thereafter. In this Chamber a characteristic of his work was the constant endeavour made by him to promote good feeling between all sections of the Council and his legal knowledge was of great assistance to us. There will be many members who like myself have lively recollections of the great part played in the public life of the Presidency by Colonel Pugh's distinguished father and also by his equally distinguished uncle Sir Griffith Evans. That work was both ably and devotedly carried on in the second generation by our friend. I am sure that the Council would desire that an expression of the sense of the Council on the loss that they have sustained in the untimely death of Colonel Pugh should be conveyed to Mrs. Pugh. Another former member of the Bengal Council has passed away since the last session. I refer to Babu Shib Narayan Mukherji of Utterpara, who was a member of the Bengal Council from 1918 to 1920 as a representative of the B[illegible]ndholders. I am sure that members will desire that a m[illegible]eir sympathy shall be conveyed to his relatives also.

I ask members to endorse what I have said by rising from t[illegible] remaining standing in silence.

Starred Questions

(to which oral answers were given).

[illegible]he recruitment of members of the Bengal Civil Service.

NIBARAN CHANDRA DAS GUPTA Bahadur: (*a*) Will t[illegible]e Member in charge of the Judicial Department be pleased to [illegible]er the rules for the recruitment of members of the Bengal C[illegible]n its Judicial Branch, have been finally framed and a[illegible]

[illegible] will the Hon'ble the Member be pleased to lay a copy on t[illegible]

[illegible] in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir [illegible]chim): (*a*) The answer is in the negative.

[illegible]ot arise.

Expenditure on committees and conferences in the Presidency of Bengal since the introduction of the Reforms.

*11. **SHAH SYED EMDADUL HAQ:** Will the Hon'ble the Member in charge of the Department of Finance be pleased to state—

(i) how much public money has been spent in the Presidency of Bengal on committees and conferences since the Reforms came into force; and

(ii) how much of the total has been spent on committees appointed in consequence of the resolutions of the Bengal Legislative Council?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald): (i) and (ii) A statement is laid on the table.

Statement referred to in the reply to starred question No. 11 (i) and (ii).

(i) Expenditure in the Presidency of Bengal on committees and conferences since the introduction of the Reforms—

	Rs
1921-22	41,152
1922-23 (probable expenditure) ..	27,666
Probable total ..	68,818

(ii) Of the above, the expenditure on committees appointed in consequence of resolutions of the Bengal Legislative Council is—

	Rs.
1921-22	24,591
1922-23 (probable expenditure) ..	23,842
Probable total	48,433

Polling centres for Bakarganj North Muhammadan constituency.

*111. **Maulvi FAZLAL KARIM CHOWDHURY:** Will the Hon'ble the Member in charge of the Appointment (Legislative) Department be pleased to lay on the table a statement showing the number and the

places of polling centres fixed in the northern Sadar and Bhola subdivisions of the Bakarganj district at the last general election of the members of the Bengal Legislative Council from the Bakarganj North Muhammadan constituency?

MEMBER in charge of APPOINTMENT [LEGISLATIVE] DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): A statement is laid on the table.

Statement referred to in the reply to starred question No. III showing the number and the places of polling centres fixed in the northern Sadar and Bhola subdivisions of the Bakarganj district at the last general election of the members of the Bengal Legislative Council from the North Muhammadan constituency.

Serial No	Names of polling centres	Names of thanas
1.	Bairagia	Bhola
2.	Khorki (Munoshahal)	Bhola
3.	Joynagor	Bhola
4.	Charpata	Bhola
5.	Tozumuddi	Tozumuddi
6.	Narayanpur	Tozumuddi
7.	Mangal Sikdar	Tozumuddi
8	Manpura	Tozumuddi
	gapur	Barhanuddi
	anuddi	Barhanuddi
	Manika	Barhanuddi
	mara	Barhanuddi
	tonganj (Hakimuddin hat)	Barhanuddi
	rehar	Barhanuddi
	rehar	Barhanuddi
	leb	Daulat Khan
	lat Khan	Daulat Khan
	pur	Daulat Khan
	hi	Gournadi
	nadi	Gournadi
		Gournadi
	jore	Gournadi
	pur	Babuganj
	rgati	Babuganj
	ganj	Babuganj
	ab Kati	Wazirpur

Serial No.	Names of polling centres.	Names of thanas.
27.	Sikarpur ...	Wazirpur
28.	Char Gachhua (north) ..	Badartuni
29.	Badartuni ..	Badartuni
30.	Memania ..	Badartuni
31.	Kauria .	Badartuni
32.	Muladi .	Muladi
33.	Sabipur ...	Muladi
34.	Hizla	Mehendiganj
35.	Sahaspur ...	Mehendiganj
36.	Goalbhour	Mehendiganj
37.	Ulania .	Mehendiganj
38.	Mehendiganj	Mehendiganj
39	Latu (Ghoraghat) .	Mehendiganj
40	Bidyanandapur	Mehendiganj
41.	Kazirhat	Mehendiganj

Admission of patients on account of new charges levied in Government hospitals.

*IV. **Babu NALINI NATH ROY:** (a) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether there is any falling off in the number of patients admitted and in the number of patients receiving medicines, on account of the new charges which have been levied in Government hospitals?

(b) What is the method adopted in the hospitals to keep proper accounts of the sale of medicines in the hospitals?

(c) Are there any particular Government officers deputed to check the accounts of the medicines sold?

(d) Will the Hon'ble the Minister be pleased to lay on the table a statement showing, hospital by hospital, the total income from hospital charges and medicines sold up to date?

(e) Will the Hon'ble the Minister be pleased to state whether any private hospital has adopted the method of realizing money like that adopted by the Government?

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. S. W. Goode): (a) There is no falling off of the in-door attendances at these hospitals.

As regards the out-door patients, a statement for the years 1920, 1921, 1922 and up to date of 1923 is laid on the table. It will be seen that it is impossible to compare 1923 with 1922, which was one of the

worst epidemic years in Calcutta, but it will be seen that the out-door attendances for 1923, which has been an exceptionally healthy year, with no epidemics, compare very favourably with those of ordinary years like 1920 and 1921. The Campbell out-patient figures show a slight falling off, but this is the epidemic hospital, and there being no epidemic this year, the slight fall is natural.

(*b*) and (*c*) A statement explaining the method is laid on the table.

(*d*) A statement is laid on the table.

(*e*) Most of the leading missionary hospitals and many of the Local Fund hospitals and dispensaries adopted this method before Government did so.

Statement referred to in the reply to starred question No. IV (a) showing the average monthly out-door patients in the four Calcutta hospitals.

	1920	1921	1922	1923
Medical College Hospital .	7,000	6,592	11,000	9,900
Presidency General Hospital ..	200	211	291	149
Campbell Hospital ..	3,500	3,603	5,300	2,887
Sambhu Nath Pandit Hospital	2,700	2,594	6,000	3,342

Statement referred to in the reply to starred question No. IV (b) and (c).

Medicines are not sold at any of the hospitals, but the member is ... referring to the new charges which are being levied from ... number of patients from the beginning of this year.

... Medical College Hospital, a special cash book is kept for the ... the Assistant Superintendent, who checks the accounts and ... entry daily and is responsible for the cash. The collections ... er and checked by him daily

... ampbell Hospital, fees from patients are collected by teachers ... al vouchers which are submitted to the officer and entered ... y registered sheet. The entries in the register are checked ... erintendent and the Deputy Superintendent.

... Presidency General Hospital, the Wardmaster of each ward ... days' payment from each in-patient in advance and pays the ... he Accountant. The amount is entered in the daily cash ... ok by the Accountant and checked by the Assistant to the ... erintendent.

... to the out-patients, the Assistant to the Surgeon-Superin... ...cts fees from all patients who attend, giving a receipt for ... t made.

... r on duty similarly collects fees from patients attending ... t-door is closed.

The money realized is at once sent to the Accountant, who enters the collection in the daily cash collection book which is checked by the Assistant to the Surgeon-Superintendent.

Although all money realized from room, ward and out-patients is shown in the daily cash collection book, a separate register is kept showing the daily collection from ward and out-patients only.

At the Sambhu Nath Pandit Hospital, the fees are collected by the Medical Officer in charge from out-patients and then sent to the Resident Surgeon (the next morning) and a receipt is given. The Out-door Officer keeps separate accounts of his collection.

In the In-door, fees are collected by the Resident Surgeon, who issues receipts for the same. The accounts are kept by the clerk in a separate book in which the treasury receipt vouchers (*chalans*) are filed. The accounts are checked by the Resident Surgeon and passed by the Surgeon-Superintendent when the treasury *chalans* are signed by him.

Statement referred to in the reply to starred question No. IV (d) showing the amounts realized during January 1923, in the four Calcutta hospitals.

	Rs.	A.
Campbell Hospital	743	11
Medical College Hospital	1,346	9
Presidency General Hospital	2,786	0
Sambhu Nath Pandit Hospital	885	7

Statement referred to in the reply to starred question No. IV (d) showing the amounts realized during February, 1923, in the four Calcutta hospitals.

	Rs.	A.
Campbell Hospital	464	5
Medical College Hospital	1,799	2
Presidency General Hospital	2,500	0
Sambhu Nath Pandit Hospital	767	13

Meston Award.

*V. **Raja MANMATHA NATH RAY CHOUDHURY:** Will the Hon'ble the Member in charge of the Department of Finance be pleased to state what further correspondence or conversations have taken place between the Government of India and the Government of Bengal, with

regard to the "Meston Award" affecting this Presidency and what further steps the Government of Bengal are proposing to take with a view to undo the evil?

The Hon'ble Mr. J. DONALD: Government are not at liberty to disclose correspondence or conversations between themselves and the Government of India, but are still maintaining their protest against the present financial settlement.

Supply of equipments to dafadars and chaukidars.

*VI. **Mr. BIJOYPROSAD SINGH ROY:** Will the Hon'ble the Member in charge of the Police Department be pleased to state whether the dafadars and chaukidars in all places in this province have been regularly supplied with equipment during the last five years?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): Last year irregularity in the supply was reported from the Burdwan Division. This was due to the fact that the Midnapore Jail could not manufacture all the uniforms required. A readjustment of the work of uniform manufacture between the central jails has been made, so as to ensure the regular supply of uniforms in future.

Equipment charges for dafadars and chaukidars.

*VII. **Mr. BIJOYPROSAD SINGH ROY:** (*a*) Will the Hon'ble in charge of the Police Department be pleased to state the has been realized by the Government within the course of years as equipment charges for dafadars and chaukidars ons, union committees and union boards of the Presidency

the Government be pleased to state what sum out of the ed has been spent to supply equipment to the dafadars and and what is the balance in the hands of the Government, the end of 1329 B.S.?

Hon'ble Mr. H. L. STEPHENSON: (*a*) and (*b*) The compilation figures would be a very laborious business, and Government the following explanation of the position obviates the undertaking this labour.

al articles of the equipment of a dafadar and chaukidar to last for varying periods, *e.g.*, a leather belt is estimated ur years and a haversack for two years. The cost of the les is revised from time to time as prices vary, and

estimates are prepared of the sums required to be collected annually in order that the several articles may be supplied when renewals fall due. At present the annual charge is Rs. 7-2-0 for a daffadar and Rs. 3-14-0 for a chaukidar, and to these amounts are to be added conveyance charges, which vary in different districts. The advantage of this procedure is that periodical demands for larger amounts are avoided, and the necessity of constant changes in the chaukidari-tax assessment is obviated.

Separate accounts are kept of the realizations from each union and the District Magistrate administers the fund for the whole district and prepares indents for supplies of the several articles when they fall due for a whole thana or subdivision.

Consequently the existence at a given time of a large balance in the fund of a district is not proof of excessive collections or of the feasibility either of a distribution of money to unions or a remission of taxation. When a supply of articles lasting for more than one year is due, it is necessary that the balance in hand should exceed one year's demand.

During the war there was sometimes difficulty in obtaining renewals promptly and in some districts this resulted in accumulation of funds. At the same time the prices of several of the articles increased. The accumulation of funds was adjusted in some districts by delaying to introduce the enhanced rates for collection

Unstarred Questions

(answers to which were laid on the table).

Places of public worship within the Nabadwip Municipality.

1. Babu SURENDRA NARAYAN SINHA: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing—

(*i*) how many places of public worship, as defined in the Bengal Municipal Act, are there within the area of the Nabadwip Municipality in the district of Nadia; and

(*ii*) whether such places of public worship are exempt from the incidence of any municipal taxation whatsoever?

(*b*) Is it a fact that the respective owners and proprietors thereof systematically impose fees on the visitors for granting them the privilege of admission into the temples and of seeing the shrines installed therein?

(*c*) Was there ever any attempt on the part of the authorities of the Nabadwip Municipality at stopping this impost?

(*d*) Are the Government taking any action in the matter?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): (*a*) (*i*) There is no definition for "place of public worship" in the Bengal Municipal Act, III of 1884. The Chairman of the Nabadwip Municipality reports that there are no less than 2,000 private thakurbaris within the area of the municipality, but that they can hardly be called places of public worship within the meaning of section 98 of the Bengal Municipal Act.

(*ii*) None of the thakurbaris referred to in (*i*) are exempt from municipal taxation.

(*b*) Such fees are levied in the case of the private thakurbaris referred to in (*i*). There are about a dozen *bonâ fide* public temples, however, in the town where no such impost is levied. These temples are exempt from municipal taxation.

(*c*) and (*d*) The answer is in the negative

Replacement of the Union Committee at Bhanga by a Union Board.

2. Babu BHISHMADEV DAS: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) whether the union committee at Bhanga (Faridpur) has been replaced by a union board,

(*ii*) whether chaukidari tax and union tax are being realized as before; and

(*iii*) whether there has been a fresh election of its members?

(*b*) Will the Hon'ble the Minister be pleased to state the names of the unions in Faridpur and the amount of district board grant received by each?

(*c*) Will the Hon'ble the Minister be pleased to state whether it is a fact that some villages (Safalidanga and others) of Fukra Union containing many voters for the union board election have been excluded from the list of voters for the local board election?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) (*i*) and (*iii*) The last election of the old union committee was held in 1919. The establishment of a union board at Bhanga was sanctioned in 1920, but elections could not be held as there were no candidates [illegible] Attempts to constitute the union board were made three times without any success and have been abandoned as it is not considered advisable to force a union board on an unwilling electorate. In the circumstances the old union committee still continues.

(*b*) For the names of union boards sanctioned in Faridpur, the member is referred to pages 319 to 336 of Part IB of the *Calcutta Gazette*, dated the 2nd June, 1920, and pages 466 to 469 of Part I and pages 527 to 534 and 535 to 536 of the Supplement to the *Calcutta Gazette*, dated the 23rd March, 1921.

The total amount granted by the district board to the union boards in the district is Rs. 15,800 for 1922-23.

(*c*) Village Safalidanga in the Fukra Union in police-station Kasiani does not find entry in the local board electoral roll for this police-station. The roll was published at suitable places according to rules, but nobody applied to the District Magistrate claiming the right to vote.

Grant to the District Boards in Bengal for Public Health work.

3. Dr. JATINDRA NATH MOITRA: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state what actual amount has been paid by the Government to individual district boards of Bengal in 1920, 1921 and 1922 (up to October last)—

(*i*) as loan, and

(*ii*) as grant

to deal with the public health problems of Bengal?

(*b*) Will the Hon'ble the Minister be pleased to state what concrete works have been done for this purpose by these individual district boards with the money received?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Statements showing the augmentation and quinine grants to the district boards are laid on the table. The augmentation grants are available for expenditure on all objects of the Local Self-Government Act, viz., construction of new roads and bridges, village sanitation, water-supply, veterinary dispensaries and any other works which the district board wish to take up. Information showing what portion of the augmentation grant was spent by each district board for public health purposes is not available.

In addition, the grants and loans, noted below, have been paid from provincial revenues for public health purposes:—

Howrah District Board.—Grant of Rs. 11,200 for the Amta scheme.

Jessore District Board.—Grant of Rs. 50,000 for the Jabuna scheme.

Jessore District Board.—Grant of Rs. 11,000 for the Arul Bhil scheme.

Jessore District Board.—Loan of Rs. 76,000 for the Arul Bhil scheme.

24-Parganas District Board.—Grant of Rs. 20,855 for the Ganga Sagar Méla.

Rajshahi, Bogra and Pabna District Boards.—Grant of Rs. 5,000 for epidemics.

Dacca District Board.—Grant of Rs. 1,930 for epidemics.

Dacca District Board.—Grant of Rs. 5,050 for fairs and mélas.

This excludes grants paid to the district boards towards the pay of the Health Officers, as the actual amount drawn by each district board for this purpose is not known.

(*b*) Government have no exact information.

Statement referred to in the reply to unstarred question No. 3, showing the expenditure incurred by Government for the distribution of quinine to districts during the last three years.

Serial No	Names of districts	1919-20	1920-21	1921-22
		Rs	Rs	Rs.
		3,783	5,746	7,725
		1,647	1,564	2,532
		4,649	1,122	1,686
		2,447	1,870	2,767
		3,851	3,230	4,794
		445	340	544
	..na	4,005	3,624	5,828
	..	3,782	4,352	5,080
	..nd ..	2,225	3,026	3,760
	..	2,403	2,210	2,820
	..	1,647	1,768	3,102
	..	1,924	1,428	1,833
	..	1,379	1,054	2,068
	..	934	782	1,269
	..	667	442	517
	..	3,337	3,400	4,277
	.. ..	1,290	952	1,974
	..	1,557	1,190	1,268
	..	1,513	1,462	1,880
	..	845	952	1,457
	ch ..	1,112	1,224	1,974
	..	1,290	1,122	1,598
	..	1,112	952	1,692
	..	1,112	850	1,739
	.. ..	1,112	612	1,175
	..	667	476	1,175
	Hill Tracts	..	238	376
	Total	50,735	45,988	66,009

Statement referred to in the reply to unstarred question No. 3, showing the distribution of augmentation grants to district boards during the last three years.

Serial No	Names of district boards	1919-20	1920-21	1921-22
		Rs	Rs.	Rs.
1	Burdwan	73,344	69,771	73,074
2	Bankura	13,394	11,952	14,231
3	Birbhum	19,849	19,052	19,373
4	Midnapore	47,762	49,974	50,729
5	Hooghly	25,009	25,499	24,046
6	Howrah	13,657	12,750	12,023
7	24 Parganas	51,681	53,274	51,899
8	Nadia	24,659	24,279	20,488
9	Murshidabad	21,703	22,161	21,318
10	Jessore	28,822	26,777	29,359
11	Khulna	30,486	33,049	30,610
12	Dacca	32,714	36,100	37,682
13	Mymensingh	60,256	58,806	50,718
14	Faridpur	20,688	28,346	24,177
15	Bakarganj	52,897	63,046	47,738
16	Chittagong	29,300	27,874	25,207
17	Noakhali	26,056	24,753	33,075
18	Tippera	33,403	32,966	28,644
19	Rajshahi	26,579	32,735	42,092
20	Dinajpur	28,808	28,760	30,194
21	Jalpaiguri	28,328	30,354	26,095
22	Rangpur	39,575	42,444	45,226
23	Bogra	15,639	15,091	16,499
24	Pabna	19,250	19,611	20,384
25	Malda	14,453	14,545	13,628
26	Darjeeling (Road Committee)	6,625	7,506	7,290
	Total	8,03,907	8,11,671	7,95,778

Decrease of population of the Pabna district.

4. SHAH SYED EMDADUL HAQ: (a) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(i) the population of the district of Pabna at the census of 1891, 1901, 1911 and 1921, respectively,

(ii) in case of decrease of population at the last census the reason to which it is due;

(iii) what present action are the Government going to take to stop this falling off of the population;

(iv) whether there will be any anti-malarial works undertaken in the district next year;

(v) whether there will be any new works under the Sanitary Drainage Act for the reclamation of the *bil* area; and

(*vi*) whether there will be any help given to the district board by the Government for the free distribution of quinine to the poor villagers?

(*b*) Is it a fact that large tracts of land within the jurisdiction of police-station Sujanagar in the Pabna district have become water-logged?

(*c*) If so, what are the causes and what steps are being taken to properly drain the area?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) (*i*) The member is referred to Table II of the Census Reports.

(*ii*) and (*iii*) The causes of the decline in population are discussed in the Census Reports. The decrease is largely due to malaria. Government are not at present in a position to undertake large anti-malarial works in Pabna.

(*iv*) and (*v*) No such projects are likely to be undertaken in 1923. The Irrigation Department is fully employed at present with other schemes.

(*vi*) Rs. 1,200 has been allotted for the purpose from provincial revenues to the Pabna District Board

(*b*) and (*c*) Government have no information

Charitable dispensaries under the charge of sub-assistant surgeons.

Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: W[illegible]ble the Minister in charge of the Department of Local S[illegible]ent be pleased to state—

[illegible]umber of charitable dispensaries receiving contributions [illegible]he Sadar and Subdivisional headquarters of districts in the [illegible]esidency, sanctioned for the sub-assistant surgeon class;

[illegible]umber of them under the charge of—

(*a*) Hindu sub-assistant surgeons, and

(*b*) Muhammadan sub-assistant surgeons?

[illegible]le Sir **SURENDRA NATH BANERJEA:** (*a*) 49.

[illegible](*b*) 2

Scheme for improving the river Bhairab.

JATINDRA NATH BASU: (*a*) Will the Hon'ble the M[illegible]arge of the Department of Irrigation be pleased to state w[illegible] a fact that the scheme for improving the river Bhairab b[illegible] canal from the river Nabaganga from a point near the

village Boceedanga in the Jhenida subdivision in Jessore to the old bed of the Bhairab, known as the Murjat Baor, and by dredging the Bhairab from Murjat Baor to the point where it meets the Afra Khal, has been abandoned?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble the Member be pleased to state whether any other scheme has been prepared for improving the river Bhairab?

(*c*) If so, will the Hon'ble the Member be pleased to state—

(*i*) what the new scheme is;

(*ii*) what works, if any, are now in progress to give effect to this scheme;

(*iii*) when is the scheme expected to be ready;

(*iv*) what will be the probable cost of the scheme, and

(*v*) whether any money has been provided for in the budget for 1923-24 for any work towards the execution of the scheme?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) The Bhairab project described by the member is still under consideration. It has not yet been abandoned.

(*b*) and (*c*) An alternative scheme for opening up the Bhairab is under examination, but it is too early to give any details.

Posting of sub-assistant and assistant surgeons in any one station for more than five years.

7. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether there are any rules for keeping any one officer of the sub-assistant and assistant surgeon class in any one station for more than five years?

The Hon'ble Sir SURENDRA NATH BANERJEA: There is no rule limiting the period for which such officers may be posted to any particular station.

Treatment accorded to Dalbahadur Giri in jails.

8. Babu INDU BHUSHAN DUTTA: With reference to the reply given to clauses (*b*) and (*c*) of unstarred question No. 430 put by Shah Syed Emdadul Haq at the meeting of the 14th March, 1923, on the subject of treatment accorded to Dalbahadur Giri in jails, will the

Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state the nature of the misunderstanding referred to in the reply and the manner in which that misunderstanding arose?

MEMBER in charge of DEPARTMENT of REVENUE [JAILS] (the Hon'ble Mr. H. L. Stephenson): The Inspector-General of Prisons was under the impression that Dalbahadur Giri was a special class prisoner and therefore he sent him to the Berhampore Jail, where special class prisoners are detained. He knew that the prisoner had been treated as a special class prisoner when he had been previously convicted; but he was not aware that the prisoner had been classified as an ordinary class prisoner in the new conviction.

Inadequate representation of Muhammadans on the Sadar and other local boards in the Midnapore district.

9. Dr. A. SUHRAWARDY: (*a*) Has the attention of the Hon'ble the Minister in charge of the Department of Local Self-Government been drawn to a resolution of the District Moslem Association, Midnapore, expressing regret and dissatisfaction at the inadequate representation of Muhammadans on the enlarged Sadar and other local boards of the district and urging on Government the desirability of redressing their grievance by the appointment of an adequate number of Muhammadans as members of the enlarged district board?

(*b*) Will the Hon'ble the Minister be pleased to state whether the instructions contained in the Local Self-Government Department letter No. [illegible] dated the 8th September, 1922, apply to—

election of Vice-Chairmen of district boards;

election of Chairmen of district boards, irrespective of the [illegible] of any of the candidates of such election being a Government official;

election of Chairmen of local boards; and

election of Vice-Chairmen of local boards?

(*c*) Is Government aware that certain nominated Government officials have expressed their determination to record their votes notwithstanding instructions contained in the Local Self-Government Department letter No. 4821 M., dated the 8th September, 1922?

(*d*) What action are the Government taking against these officers?

(*e*) Is the Hon'ble Minister aware that in the recent election of the Contai Local Board in the district of Midnapore a Government police officer (Mr. Greenfield) offered himself for [illegible] President?

(*f*) What action, if any, are Government taking to prevent the repetition of such conduct on the part of nominated Government officials with regard to their participation, directly and indirectly, in the election of Chairmen of district and local boards?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Yes.

(*b*) The answer is in the negative.

(*c*) Government have no information. It is to be remembered that the instructions referred to relate only to the election of an official as Chairman.

(*d*) This question does not arise.

(*e*) Mr. Greenfield's name was proposed and seconded as President of the meeting at which the Chairman and Vice-Chairman were to be elected. There is no order debarring him from presiding over the meeting.

(*f*) This question does not arise.

Committees formed on the basis of resolutions passed in the Bengal Legislative Council.

10. Dr. JATINDRA NATH MOITRA: Will the Hon'ble the Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) the number of committees that have been created by the Government on the basis of the resolutions passed in the Bengal Legislative Council since January, 1921, or accepted by Government during this period;

(*ii*) the names of the members of these individual committees;

(*iii*) the sum that has been spent up to date for each of these committees as a whole; and

(*iv*) also the names of those members who have drawn travelling allowance for attending these committee meetings, together with the amount in each individual case?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): The particulars are not available. The member is referred to the answer given to starred question No. II asked by Shah Syed Emdadul Haq at the present meeting

Dr. JATINDRA NATH MOITRA: In answer to my question No. 10, I am informed that the particulars are not available.

Mr. PRESIDENT: Dr. Moitra, would you please put your question in the proper form? It must be in the form of a question.

Dr. JATINDRA NATH MOITRA: May I inquire what is the reason that the particulars are not available?

The Hon'ble Mr. H. L. STEPHENSON: Because the information is not collected in a ready form in the Secretariat.

Mr. PRESIDENT: I think you have now got your answer, Dr. Moitra, It may not be satisfactory to you but it is an answer to your question. The fact that a member has a right to put a supplementary question only entitles him to put a question and not to make a long statement either before or after putting the question.

Dr. JATINDRA NATH MOITRA: But I have not yet heard the answer.

Mr. PRESIDENT: That is only your misfortune, Dr. Moitra. (Laughter).

Waiting sheds at steamer stations.

11. Maulvi FAZLAL KARIM CHOWDHURY: (*a*) Is the Hon'ble the Member in charge of the Marine Department aware that in most of the stations of the inland steamer service lines there are no waiting-sheds for passengers?

(*b*) If so, are the Government considering the desirability of drawing the attention of the Joint Steamer Companies to this?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (*a*) and (*b*) The member is referred to the replies to unstarred question No. 331 asked by Shah Syed Emdadul Haq at the meeting of the Council held on the 8th February, 1923.

Medical aid to certain villages in Burdwan.

Babu HEM CHANDRA BHATTACHARJI: (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state whether it is a fact—

that almost all the inhabitants of the villages of Arasul, Rajarampur and Jangirpur within the Jamalpur thana and Jotesriram Union in the district of Burdwan are poor peasants;

that those villages suffer most from the overflow of the Damodar;

that the paths and roads being very low, have generally turned into waterways where flood and rain water stagnates waist deep for about five months in the year; and

that the people going from one house to the other have always to cross this foul water?

(*b*) Is the Hon'ble the Minister aware that owing to the above most of the people suffer from malaria and pneumonia which often prove fatal for want of any kind of medical help?

(*c*) Is there any charitable dispensary, public or private, within three or four miles from those villages, on that side of the Damodar?

(*d*) Will the Hon'ble the Minister be pleased to state the steps taken by the Government or the district board for the medical relief in the locality mentioned above?

(*e*) Is it a fact that the district board was approached several times, but to no avail?

(*f*) Will the Hon'ble the Minister be pleased to state the reasons why the district board is not taking any steps for the redress of the grievance?

(*g*) Are the Government considering the desirability of establishing a charitable dispensary on the western side of the Damodar at a central place so that the people of the villages mentioned above and those close by may have medical aid?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) (*i*) The reply is in the negative.

(*ii*) They, like other villages, suffer from the Damodar flood water on that side of the river.

(*iii*) Not necessarily. Their condition is not worse than that of other villages on that side of the river. Owing to the situation of these villages on the western or unembanked side of the river they are gradually being raised owing to the deposit of silt. They are less subject to malaria than villages on the other side of the river.

(*iv*) The reply is in the negative.

(*b*) No.

(*c*), (*d*) and (*e*) During the malaria season a charitable dispensary is maintained by the district board within the area at Arasul, while there is a permanent dispensary at Chakdighi and another at Raina, which are within 3 or 4 miles of the boundaries of the area referred to. The dispensary at Raina is maintained by the district board. There is no Government dispensary.

(*f*) The question does not arise.

(*g*) No.

Prospects of sub-assistant surgeons returned from military duty.

13. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing—

(*i*) what percentage of sub-assistant surgeons of this province did military duty during the great war;

(*ii*) how many of them were

(*a*) Hindus;

(*b*) Muhammadans; and

(*iii*) how many Hindu and Muhammadan sub-assistant surgeons were provided with better appointments on return?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) 36 per cent.

(*ii*) (*a*) Hindus, 103 or 34 per cent.

(*b*) Muhammadans, 7 or 2 per cent. (including 2 on civil duty in Mesopotamia).

(*iii*) Officers in medical civil employ who undertook military service out of India obtained certain benefits. Thus they were permitted to count such service as equal to twice the period of such service. Their position in the time-scale of pay was thereby improved.

On return from military duty, they were posted to civil employment in accordance with the public interests.

Sub-assistant surgeons under Government service.

14. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing for the last 10 years and separately for Hindus and Muhammadans—

(*i*) the number of sub-assistant surgeons recruited into Government service; and

(*ii*) the number amongst those who were—

(*a*) gold medalists;

(*b*) ordinary and regular passes; and

(*c*) irregular passes taking more than four years to come out successful?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) Hindus, 6; Muhammadans, 6.

(*ii*) The labour involved in compiling this information would, in the opinion of Government, not be justified.

Pasture lands in Bengal.

15. Babu AMULYA DHONE ADDY: Will the Hon'ble the Minister in charge of the Department of Revenue (Land Revenue) be pleased to lay on the table a statement showing the total area of lands in Bengal available for pasture, district by district, with particulars as to the locality?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): The required statistics are not available and cannot be obtained without the expenditure of a considerable amount of time and money which would not be justified.

Provision of lights on inland passenger steamers.

16. Maulvi FAZLAL KARIM CHOWDHURY: (*a*) Will the Hon'ble the Member in charge of the Marine Department be pleased to state whether he will ascertain and lay on the table a statement showing the number of inland steamers plying in the rivers within the Presidency of Bengal that are not furnished with electric lights?

(*b*) Is the Hon'ble the Member aware that some of the inland steamers such as the *Shonai*, the *Kulsi*, the *Robin*, the *Linnet*, among others, are not provided with sufficient lights?

(*c*) If so, are the Government considering the desirability of drawing the attention of the joint steamer companies to the grievance of passengers due to insufficient lighting arrangements in such steamers?

The Hon'ble Mr. J. DONALD: (*a*) The information is not available.

(*b*) All such steamers are surveyed annually and certified to be properly equipped. No complaints have been received that they are not sufficiently lighted.

(*c*) The question does not arise.

Functions of Fibre Experts.

17. Nawabzada K. M. AFZAL, Khan Bahadur: Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state—

(*i*) what are the functions of the Fibre Experts; and

(*ii*) what fibre other than jute he has experimented upon and with what result since his appointment?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*i*) The functions of the Fibre Expert are investigations into the growth and production of jute and other fibres.

In regard to jute, the method of pure line selection has been applied to the isolation of pure types of high-yielding races which are now being grown by cultivators over an estimated area of 200,000 acres in Bengal. The seed of these races is produced under the direct supervision of the Fibre Expert and is eagerly bought by ordinary cultivators

in preference to bazar seed. The increased yield of fibre obtained by using the seed is of the order of 1½ maunds per bigha. The work is still in progress and other new and promising strains are under observation.

The cultivation and manuring of jute has also received attention and results have been obtained which show the possibility of markedly increased yields of fibre.

The deterioration of jute fibre when baled in a damp condition has been investigated and the safe limit of moisture content for baling has been laid down.

(*ii*) Numerous other fibres have been investigated, including flax, sida, sunn hemp, azar, rhea, etc.—

Flax.—It has been shown that flax can be successfully cultivated in Northern Bengal; and also, with irrigation, in other parts of India. The commercial development is now largely one of organization and capital.

Sida.—Sida has been shown to be a useful substitute for jute, in certain conditions.

Sunn hemp.—Investigations into the method of extraction of this fibre have indicated its possibilities as a substitute for flax in the manufacture of canvas.

Azar.—Selection has shown great differences in the length of life of different strains and some of the selected strains have over twice the [illegible] of others in this respect.

[illegible] etc.—The conditions for successful cultivation of this class [illegible]ve received attention. The investigation is still in progress [illegible]se of good results.

Establishment of a charitable dispensary at Goila.

Babu HEM CHANDRA BHATTACHARJI: (*a*) Is the Hon'ble [illegible]er in charge of the Department of Local Self-Government [illegible] Goila, a village in the Bakarganj district, has a large [illegible]?

[illegible]ll the Hon'ble the Minister be pleased to state—

[illegible]ether there is any charitable medical dispensary with a medical practitioner in that village; and

[illegible]ether there is any licentiate medical practitioner within a radius of three miles of that village?

[illegible]the answer to (*b*) is in the negative, are the Government [illegible]- the desirability of establishing a charitable dispensary [illegible]a licentiate medical practitioner?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Yes.

(*b*) (*i*) No.

(*ii*) No.

(*c*) There is no proposal under the consideration of Government for the establishment of a charitable dispensary at Goila.

Government are informed that on the application of the local people who undertook to open a dispensary at Goila with local subscriptions and donations, the district board in 1918 offered to make an annual grant of Rs. 600 towards the maintenance of the proposed dispensary, but the local people have up till now failed to start the dispensary and to take advantage of the board's offer.

Scarcity of drinking water in certain villages of Bakarganj district.

19. Maulvi FAZLAL KARIM CHOWDHURY: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that there is great scarcity of good drinking water in the interior villages in the Mehendiganj thana of the Sadar subdivision of the Bakarganj district, such as villages Hasanpur, Tetulia, Hogalturi, Asha, Ulania, etc.?

(*b*) What steps, if any, are the Government taking to remedy this?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) and (*b*) Government have no special information on this matter. It is primarily the function of the local bodies to deal with local water-supplies. In a short Bill amending the Local Self-Government Act it is proposed to give the district boards wider powers to enable them to deal with the problem of rural water-supply.

Complaint against sergeant Kinglake.

***20. Babu HEM CHANDRA BHATTACHARJI:** (*a*) Is the Hon'ble the Member in charge of the Police Department aware that sergeant Kinglake, No. 139, of the Calcutta Police, while on duty at Chandpal Ghat on the 14th September, 1922, forced Babu Banwarilal Banarji, Subordinate Judge of Howrah, to pass over the gate chains on the pontoon at Chandpal Ghat?

(*b*) Is it a fact that the gentleman offered to pass through the nearest gateway that was open?

(*c*) Is it also a fact that the sergeant referred to insisted upon the gentleman showing his ticket?

(*d*) Are the Government aware that under by-law 3 of the Port Commissioners only a servant of the Commissioners can require the production of a ticket or a pass?

(*e*) Will the Hon'ble the Member be pleased to lay on the table a statement showing—

(*i*) from which date to which date in 1922 was sergeant Kinglake, No. 139, on duty at Chandpal Ghat,

(*ii*) how many other complaints were made against him for acts done by him while on duty there during this period,

(*iii*) the nature of the complaints;

(*iv*) the dates on which the complaints were received;

(*v*) what action was taken against the sergeant and on which dates was action taken; and

(*vi*) whether all the complainants were Indians only or were there European complainants as well?

(*f*) Is the Hon'ble the Member aware that sergeant Kinglake continued in the same behaviour to Indian gentlemen for a long time after the first complaint had been made against him and that he was censured?

(*g*) Are the Government considering the desirability of directing the sergeant apologize to the Indian gentleman referred to in clause (*a*)?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) The sergeant made the passenger go back over the chains and enter at the proper gate, as he had come in at the wrong place.

There is conflicting evidence on the point.

om 18th August to 23rd November, one week at Chandpal week at Barabazar alternately.

) Twelve complaints were made between the 25th August vember, all by Indians, regarding the sergeant's method passenger traffic; no Europeans complained.

as censured and warned to be polite to the public on the er, 1922. Government are aware that complaints were at date. He was transferred on the 23rd November.

ction already taken is considered to be sufficient.

Board grant to the Sibhati Middle English School.

HARENDRANATH CHAUDHURI: (*a*) With reference given to clause (*b*) of my unstarred question No. 169 ebruary, 1922, will the Hon'ble the Minister in charge of nt of Education be pleased to state why the District

Board, 24-Parganas, has not yet paid the grant to the Sibhati Middle English School, the renewal whereof was recommended by the Inspector of Schools, Presidency Division, so long ago as on the 23rd November, 1922?

(*b*) Is the Hon'ble the Minister aware that the non-payment of district board grant has put the school in such financial difficulties that, unless the district board grant is soon given, the school will have to be closed down?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): (*a*) A copy of a letter, No. 758 E., dated the 26th March, 1923, from the Vice-Chairman, District Board, 24-Parganas, reporting that the grant has been renewed by the board to the Sibhati Middle English School, is laid on the table.

(*b*) This question does not arise.

Letter referred to in the reply to unstarred question No. 21.

No. 758 E., dated Alipore, the 26th March, 1923.

From—Babu Jogesh Chandra Sen, J.P., Vice-Chairman, District Board, 24-Parganas, Alipore,

To—The Secretary to the Government of Bengal, Education Department.

With reference to your letter No. 1088 Edn., dated the 22nd March, 1923, I have the honour to state that the renewal of the grant to the Sibhati Middle English School has been sanctioned by the board and the Secretary of the school has already been informed in this office memorandum No. 515 E., dated the 23rd February, 1923.

Abolition of posts on the recommendation of the Retrenchment Committee.

22. Nawabzada K. M. AFZAL, Khan Bahadur: Will the Hon'ble the Member in charge of the Appointment Department be pleased to state how the Government are proposing to deal with the officers whose posts may be abolished in accordance with the recommendations of the Retrenchment Committee, but who are not yet eligible for any pension under the existing rules?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): The member is referred to the Appointment Department resolution No. 3108 A., dated the 16th March last, which was published in the *Calcutta Gazette* of the 21st idem.

Sir J. C. Bose's experiments on water-hyacinth.

23. Babu SURENDRA NARAYAN SINHA: (*a*) Has the Hon'ble the Minister in charge of the Department of Agriculture and Industries received the report of Sir J. C. Bose about his experiments on water-hyacinth?

(*b*) If so—

(*i*) when will the report be published by the Government; and

(*ii*) what action do the Government propose taking as a result of the report?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (*a*) and (*b*) (*i*) The member is referred to the answer given to unstarred question No. 282 (*b*) asked by Babu Jatindra Nath Basu in the January session of the Council this year.

(*ii*) A copy of the resolution recorded by Government on the report is laid on the Library table.

Detention of passenger steamers at checking stations on the Bhowaniganj steamer service.

24. Maulvi FAZLAL KARIM CHOWDHURY: (*a*) Is the Hon'ble M... in charge of the Marine Department aware—

(*i*) at checking stations like Paterhat and Dadpur Ghat on the Bhowaniganj feeder service passenger steamers are detained for checking and punching the tickets;

(*ii*) in consequence thereof passengers already on the steamers have to wait; and

(*iii*) the passengers intending to board these steamers at such stations have to remain outside exposed to the sun and rain till the checking is over?

(*b*) the Government considering the desirability of asking the ... companies to give up this system and substitute therefor ...ng by flying checkers while the steamers are in motion?

The Hon'ble Mr. J. DONALD: (*a*) (*i*) It is understood that the ... tickets at Paterhat and Dadpur Ghats involves a few ...lay in the steamer service.

(*iii*) There are standing orders that passengers embarking ...mbarking shall not be delayed by the checking of tickets ... and Dadpur.

(*b*) ... reply is in the negative. Government are informed that ... flying checkers is not suitable.

Scheme to combat malaria in Bengal.

*25. **Maulvi FAZLAL KARIM:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) whether any scheme has been completed to combat malaria in Bengal;

(*ii*) if not, in what stage is the scheme now and when is the same to be worked out;

(*iii*) whether it is a fact that many schemes were framed to combat malaria in other countries of the world;

(*iv*) if so, whether any of those schemes proved effective; and

(*v*) if so, why are not such schemes tried here?

(*b*) Does the Hon'ble the Minister expect to inaugurate any scheme to deal with malaria during his present term of office?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) Many proposals of various kinds have been put forward for dealing with malaria in different localities. But it must be remembered that there are over 119,000 villages in Bengal, and probably 80,000 of these are malarious. It is not possible to frame a general scheme that can apply to all these separate villages at one time, as local conditions vary very greatly and we can only take up a limited area in any one district.

(*ii*) The idea of any *general* scheme (apart from such a general measure as for example the sale of quinine) must be put aside. There is neither the organization, the staff, nor the funds available for any general scheme of anti-malarial work. Definite schemes for certain definite areas have been drawn up, a few have been carried out, and others are in preparation.

(*iii*) Apart from measures for the popularization and sale of quinine, no general measure for the eradication of malaria has yet been adopted in any country. In a few localities, however, special measures have been applied, in some cases with good results.

(*iv*) A few of the schemes referred to have dealt with malaria in a limited area. For example the Americans carried out anti-malarial measures in a strip of the canal zone at Panama, covering 50 square miles, or half the size of an ordinary police thana in Bengal. In this small area they spent a huge sum on capital expenditure and 350,000 dollars per annum in addition on sanitary measures. This sum is more than the whole expenditure on the Government Public Health Department (excluding that of the engineering side). At Ismailia, the Suez Canal Company carried out anti-malarial work successfully among 8,000 people only. The expenditure was relatively heavy and conditions were specially favourable, as there is no rainfall there, and all breeding places of *anopheles* were artificial in character, and there is ample sand for

filling up hollows. Other work has been attempted on a small scale in Algeria and in America, and though some success has been reported, the actual achievements are as yet on a very minor scale.

(*c*) A few anti-malarial schemes have already been carried out in Bengal, and in some instances a considerable measure of success has been achieved. The chief obstacle to the extension of such work is the lack of funds.

(*b*) The Minister is hopeful of inaugurating further schemes in suitable localities, provided financial considerations will allow.

Boats for landing passengers from steamers during rains.

26. Maulvi FAZLAL KARIM CHOWDHURY: (*a*) Is the Hon'ble the Member in charge of the Marine Department aware that during the rains at many stations of the inland steamer service lines the passengers are often required to land in breast-high water?

(*b*) Are the Government considering the desirability of asking the steamer companies to engage boats in the rainy season for the purpose of landing passengers?

The Hon'ble Mr. J. DONALD: (*a*) and (*b*) It has been ascertained from the Agents of the companies that at none of their stations it is [illegible] during the rains for passengers to land in breast-high water; [illegible] engaged for landing passengers whenever necessary.

[illegible]sion of Matriculate Students into the Medical Schools.

[illegible]an Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: [illegible]n'ble the Minister in charge of the Department of Local [illegible]ment be pleased to lay on the table a statement showing [illegible]n years—

[illegible]umber of—

Hindu, and

Muhammadan

[illegible]students who applied for admission into the different medical [illegible]s presidency; and

[illegible]umber of such students from each community—

that were admitted, and

that passed finally?

The Hon'ble Sir SURENDRA NATH BANERJEA: The labour involved in collecting the statistics for the last 10 years would, in the opinion of the Minister for Local Self-Government, not be justified. Figures for the last two years are given in the statement attached.

Statement referred to in the reply to unstarred question No. 27.

	NUMBER OF APPLICANTS		NUMBER ADMITTED.	
	Session 1921-22	Session 1922-23.	Session 1921-22.	Session 1922-23.
Campbell Medical School—				
Hindus	435	286	93	124
Muhammadans	55	61	22	36
Total	490	347	115	160
Dacca Medical School—				
Hindus	411	280	87	73
Muhammadans	105	39	32	31
Total	516	319	119	104
Burdwan Medical School—				
Hindus	407	289	45	67
Muhammadans	8	4	8	4
Total	415	293	53	71

N B.—Three students are still studying in the schools Question (i) (b) does not therefore arise

Demonstrators in medical schools.

28. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing—

(i) the number of demonstrators in the different medical schools in the Presidency;

(ii) the number amongst them that are—

(*a*) Hindus; and

(*b*) Muhammadans; and

(iii) the number of them that are—

(*a*) gold medalists;

(*b*) of ordinary merits; and

(*c*) those taking more than four years to pass?

The Hon'ble Sir SURENDRA NATH BANERJEA: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 28.

Name of medical school	Number of demonstrators.	Number of Hindus	Number of Muhammadans	Number of Gold Medalists.	Number of ordinary merits.	Number of demonstrators taking more than 4 years to pass.
Campbell Medical School ..	10	10	nil	1	*	3
Dacca Medical School ..	9	8	1	1	*	1
Ronaldshay Medical School ..	5	5	nil	1	*	2

N B —Non-Gold Medalists may be treated as "of ordinary merits"

Circle Officers in the Pabna District.

29. SHAH SYED EMDADUL HAQ: (a) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether there are any Circle Officers in the Pabna district?

will the Hon'ble the Minister be pleased to lay a statement o... howing—

...mber of such officers;

...aces to which they are posted; and

...mount of pay drawn at present by each such officer?

...e are no Circle Officers in Pabna, will the Hon'ble the M... ...eased to state the reason for this?

...ble Sir SURENDRA NATH BANERJEA: (a) No.

...estions do not arise.

...to the financial position, the recruitment of Sub-Deputy C... make available a sufficient number of Circle Officers was c...

...umber of officers now available, it is considered desirable to c... ...rk in a few areas.

...t have recently issued orders clearly stating their policy i... ...he establishment of union boards and the Minister desires t... ...g should be done to accelerate the development of the village s... ...nt system. Much spade work must, however, be done by

the Circle Officers before villages are ripe for the introduction of this system and better progress will be achieved by the local concentration of such officers as are available.

Election suit of the Barisaba Union Board in the Dacca district.

38. Rai PYARI LAL DOSS Bahadur: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(i) whether it is a fact that in a civil suit instituted in 1920-21 to set aside the election of some members of the union board at Barisaba, police-station Kapasia, district Dacca, the then District Magistrate invited the defendant to contest the suit, promising to pay the expenses from Government, and the Government pleader was engaged by the District Magistrate for the defence;

(ii) whether it is also a fact that the Legal Remembrancer refusing to sanction expenses by Government, the District Magistrate requested the district board to pay the expenses of the suit and, on the refusal of the district board to comply with the District Magistrate's request, the latter directed the union board to pay the expenses of the suit;

(iii) whether it is also a fact that under direction of the District Magistrate the President of the union board spent as much as Rs. 410 from the fund for the purpose of the said suit without any sanction either from the local or district board;

(iv) whether it is also a fact that though the local board has refused to recommend the sanction of the budget estimate of the union board for the last two years, for its non-compliance with the direction to recoup the union fund, the union board has been going on making assessments and realizing the union rates and spending the same without any sanction from the district or local board;

(v) whether it is a fact that a representation was submitted to Government by a large number of rate-payers of this union against the aforesaid unauthorized expenditure; and

(vi) if so, what steps have the Government taken in regard to the same representation and for the recoupment of the union fund?

The Hon'ble Sir SURENDRA NATH BANERJEA: (i) The District Magistrate instructed the junior Government pleader to oppose the notice issued on the union board by the Munsif. At the same time he moved Government to undertake the defence of the suit as it was in his opinion against public interest that such elections should be set aside.

(ii) Yes.

(*iii*) The President reports that he spent this amount. As neither Government nor the district board would defend the suit, the Magistrate informed the President that the union board must bear the expense. He did not state that no sanction was necessary.

(*iv*) Yes, but the union board has been making assessments and spending money only for the purposes mentioned in section 37 (*a*) of the Village Self-Government Act.

(*v*) A representation addressed to the Secretary to the Government of Bengal, Local Self-Government Department, was submitted to the District Magistrate. He did not send it on, as the Subdivisional Officer reported in the meantime that the feelings that gave rise to this representation had subsided.

(*vi*) Government, not having received the representation, have taken no steps.

Silting up of the river Baral in the Pabna district.

31. SHAH SYED EMDADUL HAQ: (*a*) Has the attention of the Hon'ble the Member in charge of the Department of Irrigation been drawn to the silting up of the river Baral in the district of Pabna and the scarcity of water in all the villages on the bank of the said river?

(*b*) Is the Hon'ble the Member aware that the stagnant water of the ... the cause of much of the unhealthiness of the district, result... deaths every year?

... the Hon'ble the Member be pleased to state what steps, if ... en or are being taken or are contemplated, to insure a con... of the river throughout the year?

... ...n'ble the **MAHARAJADHIRAJA BAHADUR of** ...: (*a*) Yes.

... ...ment have already explained the difficulty of reviving the ... ...thout grave risk of altering thereby the course of the Ganges ... ...ng the safety of the Hardinge Bridge. A proposal has been ... ...ould enable the Baral to be used as an irrigation channel and ... ...he irrigation of the district.

Cyclone in Cox's Bazar, Chittagong.

... **ANNADA CHARAH DUTTA:** (*a*) Will the Hon'ble ... ...n charge of the Department of Revenue (Land Revenue) ... ...state whether he is aware of the great loss caused by the

cyclone in the beginning of May, 1923, in Cox's Bazar subdivision of Chittagong?

*(*b*) Will the Hon'ble the Member be pleased to state what steps, if any, have been taken to give relief to the sufferers?

MEMBER in charge of DEPARTMENT of REVENUE (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) Yes. The following report has been received:—

"The greater part of the Teknaaf thana, where the storm was most severe, is uninhabited forest, but there are considerable villages at the south end of the peninsula and between the forest and the Naaf river. In these villages almost all the kutcha houses were blown down or unroofed and there was also an abnormal rise of tide which swept away a large number of cattle. Three persons are reported to have lost their lives in the storm and the number of cattle lost has been estimated at three thousand. The embankments raised by the cultivators to protect their fields from salt water were also damaged. The Khas Tahsildar, with the help of two other Sub-Deputy Collectors, has distributed the sum of Rs. 25,000 allotted to this Division for agricultural loans in the affected villages and reports that this sum is sufficient for the purpose. There has been a demand for labour at high rates for making good the damage done and those who are able to work can earn good wages. A relief fund has been opened to aid those who cannot help themselves. In the Cox's Bazar, Ramu and Ukhia thanas considerable damage was done to kutcha houses, but the damage was much less than in Teknaaf. There were no important crops in the ground at the time of the storm, but some tobacco and chillies were destroyed and fruit trees damaged. Some damage was done to the Government embankment at Kutubdia and to private embankment at Matarbari by an abnormal rise of tide."

(*b*) A copy of a letter No. 123 C., dated the 16th/18th May, 1923, from the Collector of Chittagong to the address of the Commissioner of the Division, is laid on the Library table. Steps have been taken to give relief in accordance with the proposals made therein.

Babu ANNADA CHARAN DUTTA: In view of the fact that loans will not reach many, specially the poorest one, will the Government be pleased to make a grant for gratuitous relief to them?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: This is a matter which can only be considered if it comes up from the local officers concerned.

Babu ANNADA CHARAN DUTTA: Have any steps been taken to give loans or to advance money for the purpose of rebuilding embankments over and above the sum of Rs. 25,000 which was granted as agricultural loans and which has not proved sufficient?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: What embankments, may I inquire? Are they Government embankments?

Babu ANNADA CHARAN DUTTA: No, khas mahal embankments.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: It must come through the Board of Revenue.

Mr. PRESIDENT: Notices should have been given of all these questions. However, I have allowed them in the present instance.

Amount allotted for education of backward classes.

33. Babu BHISHMADEV DAS: Will the Hon'ble the Minister in charge of the Department of Education be pleased to lay on the table a statement showing the items with the amount allotted for each item on which the sum of Rs. 20,000 for education of backward classes is going to be spent during the current year?

The Hon'ble Mr. P. C. MITTER: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 33, showing allotments made during the year 1922-23 out of the grant of Rs. 20,000 ... ed for the education of backward classes.

Items	Capital	Recurring	Total.
	Rs	Rs.	Rs.
...aptist Zenana Mission at Entally for ...ing of Sonthali and aboriginal girls as ... of Sonthal School	....	321	....
...holarships to boys and girls of back... ...ses	....	2,064	....
...of a hostel for Namasudra students at ... and allowance of hostel Superinten...	.....	130	...
...to the Mission authorities towards ...nses of a training class for Sonthali ... Bhimpore in the district of Midna...	250	1,656	....
...he Society for the Improvement of ...d Classes in order to start new schools	12,329	3,250	....
Total ..	12,579	7,421	20,000

Payment of fees by patients in dispensaries and hospitals.

34. Nawabzada K. M. AFZAL, Khan Bahadur: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether the Government are considering the desirability of withdrawing the recent circular about payment of fees both by the indoor and the outdoor patients in dispensaries and hospitals?

The Hon'ble Sir SURENDRA NATH BANERJEA: The reply is in the negative. The levy of charges was rendered necessary by the financial stringency and the system has also been voluntarily adopted by several district boards for similar reasons. The Minister is satisfied after inquiry that the discretion given to the hospital authorities to exempt the poor from the payment of fees is being exercised so as to prevent hardship.

Appointment of sub-assistant surgeons according to the Government of India's circular.

35. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether the Government of India's circular that one-third of the total number of appointments in the Presidency be provided for the Muhammadans is being observed in so far as the sub-assistant surgeons' cadre is concerned? If not, why not?

The Hon'ble Sir SURENDRA NATH BANERJEA: The Government of India have never laid down that one-third of the total number of State appointments in the Bengal Presidency should be reserved for Muhammadans. They issued a resolution No. 1046-58, dated the 19th August, 1910, in which they empowered the local Government to make rules for the recruitment of the Provincial Civil Services (Executive and Judicial). Amongst several general conditions which they laid down for governing such recruitment, they stated that "the rules must be adapted on the one hand to obtain thoroughly efficient candidates, and on the other to secure the due representation in the public service of the different classes of the community."

No definite percentage or standard was laid down by the local Government until 1914, when they decided that in the offices in the Dacca, Chittagong and Rajshahi Divisions (excluding the Darjeeling district) and in the Presidency Division, one-third of the ministerial appointments would be a fair proportion to which the Muhammadan community might be entitled.

The Government of Bengal were also of opinion, though no resolution to this effect is cited, that as a working principle Government should aim at appointing Muhammadans to one-third of the gazetted appointments in the Provincial Civil Services (Executive and Judicial), the Registration Department and the Police Department, while the principle of having a Muhammadan element (apart from the Maulvi) in every high school and college, was to be examined.

Government were more guarded in their views in respect of the Educational Department as being to some extent a specialized or technical department in which the question of comparative merit must be a more decisive factor than in the case of services concerned with general administration.

The medical services are purely technical services in which the application of the principle of proportionate representation must be applied with more caution.

The Government of India have never suggested that in these services this principle should be applied, and while the Minister for Local Self-Government, *caeteris paribus*, is prepared to give special consideration to the applications of qualified Muhammadan candidates for the post of sub-assistant surgeons, he cannot agree to bind himself to any fixed percentage. There is a further difficulty in the fact that during the last five years only 20 Muhammadan sub-assistant surgeons have qualified from the Campbell Medical School and 10 from Dacca. Of the former, two applied for Government service and one was appointed; of the latter, two applied and both were appointed.

Destruction of domestic animals by wild animals.

Khan Bahadur Maulvi WASIMUDDIN AHMED: (*a*) Will the Member in charge of the Department of Revenue (Land Revenue) be pleased to lay on the table a statement showing, district by district, the number of domestic animals destroyed by wild animals during the last five years, as well as during the five years ending on the 31st March, 1914?

(*b*) Will the Hon'ble the Member also be pleased to lay on the table a statement showing, district by district, the amount of crops destroyed by wild animals during the last five years, as well as during the five years ending on the 31st March, 1914?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) and (*b*) Government consider that the labour and expense involved in the collection of the information required will be disproportionate with its usefulness.

Establishment of the Pabna Municipality.

37. SHAH SYED EMDADUL HAQ: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) when was the Pabna Municipality established and when was the notification declaring it printed in the *Calcutta Gazette;*

(*ii*) what were the numbers of ratepayers, ward by ward;

(*iii*) what is the present area of the municipality and the number of population within it;

(*iv*) what was the annual income and expenditure of the municipality, year by year, during the last three years;

(*v*) how much of its annual income was spent on—

(*a*) office establishment,

(*b*) sanitary inspector,

(*c*) overseer,

(*d*) conservancy,

(*e*) drainage,

(*f*) sanitation,

(*g*) lighting, and

(*h*) water-supply,

during the last three years;

(*vi*) what were the arrears due from the ratepayers, debts and collection expenses of the municipality during the last three years;

(*vii*) how many, and what percentage of, population resident within the municipal area are—

(*a*) literate, and

(*b*) illiterate

according to the communities and sexes respectively;

(*viii*) what is the mileage of roads and drains constructed, and what is the number of tanks excavated and masonry wells constructed by the municipality since its establishment and also during the last three years; and

(*ix*) what was the average—

(*a*) birth rate, and

(*b*) death rate

of the population within the limits of the Pabna Municipality during the last three years?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) Pabna was first constituted a town union on the 1st April, 1869, under notification dated the 26th January, 1869, which was published in the *Calcutta Gazette* of the 3rd February, 1869. Under section 3 of Act V (B.C.) of 1876, it was made a municipality with effect from the 1st July, 1876.

(*ii*) The information is not available.

(*iii*) About 3 square miles. For the population the member is referred to Form No. VI appended to the report of the Director of Public Health for 1921.

(*iv*) The member is referred to Form Nos. II and III of the resolutions on the working of municipalities for the years 1919-20, 1920-21 and 1921-22.

(*v*) The statement below furnishes the required information:—

Head of expenditure	Percentage of income spent in—		
	1919-20.	1920-21	1921-22.
Office establishment	2·7	2·8	2·7
Sanitary Inspectors (including Head Office)	2·2	2·4	2·6
Conservancy	31·4	38·3	36·7
Drainage	·9	·9	·9
Lighting	7·5	8·2	10·5
Water supply	7·0	5·0	5·3

... figures for "sanitation" and "overseers" are not available ... municipal accounts, but the member is referred to columns ... Form No. III appended to the resolutions on the working ... ties for the years concerned if he wishes to know the total ... on "Public Health and Convenience."

	1919-20	1920-21	1921-22.
	Rs.	Rs.	Rs.
Demands	7,736	8,041	11,687
..., outstanding liabilities)	1,794	5,862	6,944
...n charges	2,614	2,812	2,572

...stics regarding literacy according to communities and ... towns (such as Pabna, Sirajganj) are not available from ... port.

...compilation of these figures, which go back more than ..., would involve much time and labour which, in the ... Minister for Local Self-Government, would not be justified ...res for even three years are not easily available from the ... records.

...te per mille: 1919-20, 13·1; 1920-21, 13·2; 1921-22, 7·7.

...te the member is referred to column 13 of Form No. VI ... reports of the Director of Public Health for the years con...

Threatening condition of the river Padma.

*38. **Khan Bahádur Maulvi WASIMUDDIN AHMED:** (*a*) Is the Hon'ble the Member in charge of the Department of Irrigation aware of the present threatening condition of the river Padma near Pabna, just to the east of the embankment?

(*b*) Are the Government considering the desirability of taking immediate steps to extend the embankment for the protection of the town?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) At present the condition is not likely to be a menace to the safety of the town, although some homestead lands and a mosque are threatened with destruction.

(*b*) Extending the revetment has been considered. The cost is enormous and prohibitive. Moreover, it is uncertain that a revetment of the nature would withstand a determined attack by the river.

Births and deaths in the Pabna district.

** **39. SHAH SYED EMDADUL HAQ:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state the number of births and deaths in the district of Pabna during the last five years?

(*b*) If there be excess of deaths over births, are the Government contemplating any measure to arrest this threatening depopulation of the district?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The figures are as follows:—

1917—Births, 49,074; deaths, 39,704.

1918—Births, 37,711; deaths, 53,543.

1919—Births, 36,699; deaths, 51,557.

1920—Births, 43,295; deaths, 42,387.

1921—Births, 34,027; deaths, 42,728.

(*b*) The district board has recently appointed a Health Officer, who has done something to organize measures for the control of preventible diseases, such as cholera and small-pox: Malaria is, however, primarily responsible for the decline in population, and a reference is invited to the reply given at this session to Maulvi Fazlal Karim's question No. 25.

New steamer route in the Sunderbans.

40. Rai MAHENDRA CHANDRA MITRA Bahadur: Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether it is a fact that a new steamer route has been found in the Sunderbans and that it has therefore been decided to postpone the actual working of the Grand Trunk Canal project?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: No, only a new opening into the Sunderbans steamer route has been made. The rest of the steamer route is unaffected.

Actual construction of the Grand Trunk Canal has been postponed.

Blocking up of the mouth of the Jola.

41. Khan Bahadur Maulvi WASIMUDDIN AHMED: (*a*) Is the Hon'ble the Member in charge of the Department of Irrigation aware that much hardship has been caused to a large number of people by the blocking up of the mouth of the Jola, commencing from the Padma near Hemaitpur, Nazirpur, and running over a considerable tract of country in the interior, so that it has deprived the people of the flood water and silt from the Padma?

(*b*) Are the Government considering the desirability of examining the situation with a view to removing the hardship?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of B[illegible]: (*a*) Yes.

The *bund* was removed in December last.

[illegible]ssion of records by parcel post from collectorates.

[illegible] BHISHMADEV DAS: Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether the Government are considering the desirability of issuing orders ordering that ordinary records and papers from collectorates may be sent by parcel post when called for by other courts?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of B[illegible]: The attention of the member is drawn to the existing rules on the subject, viz., rules 195 and 197 of the Records Manual, 1917, and [illegible] page 111 of the General Rules and Circular Orders of the High Court, Appellate Side (Civil), Volume I, which direct that records called for by other courts should be transmitted by parcel post.

Clubs in Calcutta running sweep-stake lotteries.

93. Mr. H. BARTON: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state how many clubs there are in Calcutta which, to the knowledge of Government, are running sweep-stake lotteries?

(*b*) Will the Hon'ble the Member be pleased to state whether the answer previously given by the Hon'ble Member to the question put in this House implies that it would not be in the public interest to enforce the provisions of section 294A of the Indian Penal Code against those clubs which, to the knowledge of Government, are running sweep-stake lotteries without the sanction of Government?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) Government have no list of such clubs.

(*b*) Government have nothing to add to the answer referred to.

LEGISLATIVE BUSINESS.

GOVERNMENT BILLS.

The Bengal Aerial Ropeways Bill, 1923.

***The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur:** I beg to present the report of the Select Committee on the Bengal Aerial Ropeways Bill, 1923, and to move that the said report be taken into consideration.

In my previous speeches I have explained that the object of this Bill is to authorize, facilitate, and regulate the construction and working of aerial ropeways in Bengal.

The Bill has been referred to a Select Committee who have gone carefully into its provisions.

They have suggested modifications where they considered them necessary and have examined the provisions of the Bill from the point of view of the promoter as well as from that of Government and the public.

Their report has been circulated to the House and is now before the members for their consideration.

The motion was put and agreed to.

CLAUSE 1.

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: I move that in clause 1 (*3*), line 1, for the words "It shall come into force at once" the following be substituted:—

"It shall come into force on such date as the Local Government may, by notification in the *Calcutta Gazette*, direct."

The reason, Sir, for this amendment is that certain rules under clause 41 of the Act yet remain to be framed and published before the provisions of the Act can come into force.

It will take time to frame these rules and it is preferable to leave the date open till we can complete the drawing up and publishing of those rules.

The motion was put and agreed to.

CLAUSE 6.

Kumar SHIB SHEKHARESWAR RAY: I move that—

(*a*) in clause 6 (*4*) (*xiii*), line 3, the word " and " be omitted; and

(*b*) after clause 6 (*4*) (*xiii*) the following be inserted, namely :—

" (*xiii a*) the traffic which may be carried on the ropeway, the traffic which the promoter or lessee shall be bound to carry, and the traffic which he may refuse to carry; the tolls to be leviable by the promoter or lessee, and the periodical revision thereof by the Local Government; and the regulation of the traffic and of the levy of the tolls; and "

In the marginal note to this clause a reference has been made to section 7 of the Tramways Act and the provisions embodied here bear a close resemblance to those of the said section. But I do not understand why the Government failed to appreciate the applicability of sub-section (o) of th[illegible] It is of the utmost importance that public utility companies s[illegible] undertaking regarding the nature of traffic that they would b[illegible]arry and the Government too should exercise its control over t[illegible]e charged. My amendment provides for this and I have t[illegible]y from the sub-section (o) of section 7 of the Tramways A[illegible] it has been thought that that the last sub-section brings n[illegible]rs within its purview. But while 13 instances have been s[illegible]ioned, the omission of this very important matter might b[illegible] as signifying a want of Government control and the w[illegible] other matter" in the last sub-clause might not imply th[illegible]inciple of what the lawyers call *ejusdem generis*.

[illegible]ention that my amendment refers to " tolls " but in the Bill w[illegible]he word " rates " instead, so if the Government be inclined to [illegible]mendment, I hope it would be pleased to make the necessary ve[illegible]ons in it.

[illegible]e the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Ba[illegible] Local Government consider that this amendment, if ad[illegible], would tend to improve the Bill, but they consider that in

its present form it is in some ways unduly restrictive, and that it is also not very satisfactorily worded. I hope it will meet the member's point if the amendment takes the following form:—

(*a*) as in the amendment; and

(*b*) that after clause 6 (*d*) (*xiii*) the following be inserted, namely:—

"(*xiii a*) the traffic which may be carried on the ropeway, the traffic which the promoter shall be bound to carry, and the traffic which he may refuse to carry;

(*xiii aa*) the maximum and minimum rates that may be charged by the promoter and the circumstances in which and the manner in which these rates may be revised by the Local Government; and"

I may point out to the Kumar Sahib that the question of regulation of traffic and the actual manner of levy of tolls in regard to ropeways is a matter which should be left to the by-laws, and that it is impossible to include such details satisfactorily in a final order as contemplated in this clause. I hope that the Kumar Sahib will accept the amendment which I have suggested in substitution for the one which he has just moved.

Kumar SHIB SHEKHARESWAR RAY: Yes. I am quite agreeable.

The motion was then put in the following form and agreed to:—

(*a*) that in clause 6 (*d*) (*xiii*), line 3, the word "and" be omitted; and

(*b*) that after clause 6 (*d*) (*xiii*) the following be inserted, namely:—

"(*xiii a*) the traffic which may be carried on the ropeway, the traffic which the promoter shall be bound to carry, and the traffic which he may refuse to carry;

(*xiii aa*) the maximum and minimum rates that may be charged by the promoter and the circumstances in which and the manner in which these rates may be revised by the Local Government; and"

CLAUSE 14.

Babu JATINDRA NATH BASU: I move that in clause 14 (*1*)—

(*i*) in line 1 after the words "subject to the provisions of" the words "and to the rules made under" be inserted; and

(*ii*) in line 4 of the proviso after the words "if the Collector" the words "after allowing such owner and occupier by notice in writing an opportunity of being heard" be added.

Clause 14 provides that, subject to the provisions of this Act, the promoter of any aerial ropeway should be given the powers to make such survey as he thinks necessary, to place and maintain posts in or upon any immovable property, to suspend and maintain a rope over, along or across

any immovable property, and so on. It says that all these can be done, subject to the provisions of this Act; but the Act merely lays down the *general principle, but the rules which will be framed under this Act will show the manner in which* the survey is to be made and will also lay down the line of conduct which the promoter should follow. I want, therefore, to insert the words " and to the rules made under " after the words " subject to the provisions of."

My next amendment refers to the power of the promoter who may enter upon any private property in spite of the objection of the owner or occupier with the written permission of the Collector. But I want to provide that, before giving such permission, the Collector should give an opportunity to the owner or occupier to state his objection.

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: I am prepared, on behalf of Government, to accept the amendments proposed in clause 14 *(1)* and in the proviso to that clause as moved by the hon'ble member, subject to the alteration of the word " allowing," in part *(ii)* of the amendment, to " giving."

The motions were then put in the following form and agreed to :—

that in clause 14 *(1)*—

(*i*) in line 1 after the words " subject to the provisions of " the words " and to the rules made under " be inserted; and

(*ii*) in line 4 of the proviso after the words " if the Collector " the words " after giving such owner and occupier by notice in writing an opportunity of being heard " be added.

Kumar SHIB SHEKHARESWAR RAY: I move that in clause 14 *(1)*, pr[illegible] the words " or clause (c)" be omitted.

[illegible] e 14, the promoter of an aerial ropeway has been vested wi[illegible]hts some of which make serious encroachments on private in[illegible]'s, of course, the promoter of a public utility service must ha[illegible]ose rights, but at the same time it is essential that the pe[illegible]onsequence, are called upon to surrender their rights, sh[illegible]d the fullest facilities to obtain a proper and equitable co[illegible]n the same. The English Law is perhaps the ideal law on the[illegible]t even in India, all enactments referring to public utility ser[illegible]e Railways, the Tramways and the Electricity Acts, afford am[illegible] to property-owners whose every bit of land has got to be acq[illegible]the Land Acquisition Act.

[illegible] this clause of the Bill, we find that behind this array of leg[illegible]al wordings, stands out the bare fact that for the purpos[illegible]mpany which might be fortunate enough to secure a Gov[illegible]ction for the rigging up of its cableway, it can suspend and [illegible]opeway over any private property if only its promoter can secu[illegible] permission from the Collector. And again in a different

place, in clause 17, it has been stated that no suit shall lie in respect of any such matter, but that abstraction which is, sometimes, called the Local Government, has been vested with a revisionary jurisdiction, an unknown quantity looking very big in words but usually illusory in practice. No doubt in sub-clause 2 a provision has been made for the payment of some compensation to the owner or occupier, but the fixing of the amount rests solely with the Collector subject of course to the revisionary jurisdiction of the Local Government again.

The marginal notes to this clause seem to indicate that in the Telegraph and Electricity Acts, we have some such provision. But the similarity is more apparent than real. For, in the first place, in the Electricity Act, the laying down of a supply line through private property without the consent of the owner is distinctly forbidden; only a support of an aerial line may be fixed on any building or land. In the Telegraph Act, however, the Telegraph Authority is authorized to place and maintain a telegraph line over any private property. But in both these Acts there are subsequent provisions for the removal of the posts and alteration of the level of overhead wires to suit the convenience of the owner whenever necessary (*cf.* 17 of Act XIII of 1885 and 12 (2) of Act IX of 1910). We, however, do not find any such provision in this Bill which provides for the maintenance of a ropeway for a much more serious purpose than those contemplated by the Telegraph or the Electricity Acts; for in an aerial ropeway, goods and passengers will be carried over private properties causing great inconvenience and annoyance to the occupiers of the land below.

My humble submission therefore is that all lands over which an aerial ropeway is to be maintained should be acquired in the same manner as lands required for a railway under the Railway Act. I maintain that the acquisition of land for an aerial ropeway is not a matter to which the summary procedure of the Telegraph or Electricity Act can be made applicable: and much less so, without the saving clauses to which I have already referred.

I should also mention here that under the Telegraph Act, an appeal lies to the District Judge against the order of the Collector, and the Judge has to decide the matter according to regular legal procedure. But here in this Bill only a revisionary power is vested absolutely in the whim of the Local Government.

I fail to understand why the promoters of this Bill have fought so shy of the law courts and have vested every function under this Bill in the hands of the Executive. Those eminent jurists who have forged this Bill, in giving a free scope to magisterial wilfulness, seem to have forgotten the very function of law which, to quote Roscoe Pound, one of the greatest modern jurists of the world, is to "restrain magisterial as well as individual wilfulness."

The object of my amendment in omitting clause (*c*) from the proviso is that the acquisition of land for the maintenance of a ropeway

and fixing the amount of compensation should not rest with the magistrate alone but the ordinary law of the land, viz., the Land Acquisition Act, and all its safeguards should apply and the remedies of reference and appeal should be fully available.

Babu AMULYA DHONE ADDY: I entirely agree with the mover of this amendment that nobody should have the right to enter upon any immovable property even for the purposes of repairing aerial ropeways unless and until he gets previous permission of the Collector or such other responsible authority. Sir, it is suggested——

Kumar SHIB SHEKHARESWAR RAY: Sir, he is not speaking on my present amendment.

Mr. PRESIDENT: What are you speaking of, Amulya Dhone Babu?

Babu AMULYA DHONE ADDY: I beg your pardon. I was speaking on the next amendment.

Mr. PRESIDENT: Wait, till the next amendment comes. You cannot make the same speech twice over.

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: I am unable to accept the amendment moved by the Kumar Sahib that in clause 14 (*1*), proviso, line 2, the words "or clause (*c*)" be omitted.

[illegible] time I recognise, from the facts the hon'ble member has [illegible] the House, that it may be inadvisable to vest in the Co[illegible]e district the final decision in regard to the fixing of von[illegible]ayable to the owner or occupier of immovable property ove[illegible]opeway will pass.

[illegible]able that there may be strong objections from the point of [illegible]useholder to permission being accorded to a promoter to [illegible]ropeway over his house, both as regards the privacy of [illegible]d the possible danger of collapse of a vehicle travelling alo[illegible]ay on to the house.

[illegible]oubt in the mind of the mover is that, in order to further the [illegible] for the good of his district, the Collector might be inc[illegible]reciate the risks and inconvenience to the householder, and [illegible]y to minimise the compensation payable to him.

[illegible]r would require local handling, I am prepared on behalf of [illegible] to allow an application for revision in regard to the amo[illegible]ensation to be awarded, in consequence of action under clau[illegible]), to be made to the District Judge.

If this will meet the Kumar Sahib's wishes I will move that at the end of clause 17, which deals with the awards made by the Collector under clause 14, the necessary provision be made by the addition of a further sentence.

If this will meet the case I will move my amendment later when dealing with amendment No. 5 by Babu Jatindra Nath Basu.

Mr. PRESIDENT: Kumar Sahib, are you prepared to withdraw your amendment on that understanding?

Kumar SHIB SHEKHARESWAR RAY: Yes, Sir.

The motion was then, by leave of the Council, withdrawn.

CLAUSE 15.

Kumar SHIB SHEKHARESWAR RAY: I move that in clause 15 (*1*), line 1, before the words "A promoter" the following words be inserted, namely:—

"With the previous sanction of the Collector in writing."

I wish to put in the words "with the previous sanction of the Collector in writing" only to restrict teasing and harassing intrusions of the underlings of the company. Sir, we all know how sometimes these people take undue advantage of their legal powers, and my amendment is intended as a safeguard against that. What I intend is that anybody and everybody claiming to be a servant of the promoter should not be allowed as a matter of right to enter into the houses of people at all hours of the day and night; and I want to guard as much as possible against abuses of such powers. We all know, Sir, that such intrusions may, amongst the uneducated people, lead to riots and even bloodshed. It is for this that I thought that written sanction of a responsible officer like the Collector should be had and shown to the people previous to such entries. But, Sir, if the Government can devise better and simpler methods for safeguarding such things, I have no objection. I simply ask the Government to take heed of such things and not to leave them to the tender mercies of the promoters' people.

Babu AMULYA DHONE ADDY: I entirely agree with the mover of this amendment that the promoter should not be allowed to enter upon any property at any time of the day and night without the previous permission of the Collector; but I am sorry to state that I do not agree with him so far as the entering upon any property for the purpose of prevention of any accident. How can we expect a person to get the previous permission of the Collector with a view to prevent an accident, as for instance, in the case of an outbreak of fire? Is it possible to get the previous permission, say, of the Commissioner of Police or of the Chairman of the Calcutta Corporation

with a view to entering into a house or a hut in the case of fire? It is simply impossible. So in the contingency like this, the proposal that the previous permission of the Collector should be taken is impracticable and undesirable.

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: With reference to this amendment, the object of which, as the Kumar Sahib has explained, is to ensure that no subordinate employed by a promoter may have the authority of this Bill to enter adjoining property, for the purposes of maintaining the ropeway, without good reason, I think it is clear to the House that circumstances may render it essential for the promoter or his representative to enter that property for genuine reasons.

The delay entailed by obtaining the sanction of the Collector in writing to this course might seriously affect the working of the ropeway and cause harm, or necessitate the closing of the ropeway for a period which might extend to two or three days till the Collector's sanction is obtainable.

The object of the mover may be attained without this delay if the bylaws and rules of the company, the publication of which is essential under clauses 27 and 41 of the Act, provide that no servant of the company below the rank of an officer may enter adjoining property for the purposes of clause 15.

In substitution of the amendment proposed by the Kumar Sahib, I propose that at the commencement of sub-clause (*l*) of clause 15 the following be inserted, namely,—

"subject to the rules made under this Act."

The Hon'ble SHEKHARESWAR RAY: I agree to the suggestion.

Shekhareswar Ray's motion was then, by leave of the Co... awn, and the following motion by the Hon'ble the Na... Nawab Ali Chaudhuri, Khan Bahadur, was then put and ag...

... commencement of sub-clause (*l*) of clause 15 the following namely:—

... the rules made under this Act.' "

CLAUSE 17.

... ira Nath Basu was to have moved that in clause 17, line ... words "the Local Government" the words "the Land Acq... ...ce having jurisdiction in the matter" be substituted.

T... ...DENT: Mr. Basu, do you accept the modification sug... ...he Hon'ble the Minister?

Babu JATINDRA NATH BASU: Yes, I do, and therefore I do not propose to say anything on my motion.

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: As I have stated in my reply to amendment No. 3 by Kumar Shib Shekhareswar Ray and for the reasons given in that reply, Government are prepared to meet this amendment in part by inserting at the end of clause 17 the words "except in the case of an award made by him with reference to action taken under clause (*c*) of sub-clause (*I*) of section 14, which award shall be subject to revision by the District Judge."

I trust that the mover will accept this amendment in place of the one which he has put forward.

Babu Jatindra Nath Basu's motion was then, by leave of the Council, withdrawn, and the following motion by the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur, was then put and agreed to:—

"that to clause 17 the following be added, namely,—

'except in the case of an award of compensation made by the Collector on account of action taken under clause (*c*) of sub-section (*I*) of section 14, which award shall be subject to revision by the District Judge."

CLAUSE 18.

The following motion was then, by leave of the Council, withdrawn:—

Babu JATINDRA NATH BASU: "That in clause 18, line 4, after the word 'prescribed' the words 'by the Local Government' be inserted."

CLAUSE 20.

Babu JATINDRA NATH BASU: I move that in clause 20(*c*), lines 2 and 3, for the words "notify in this behalf in the *Calcutta Gazette*" the words "specify in this behalf in the rules framed under this Act" be substituted.

Under clause 20 it is provided that when certain accidents happen, the promoter shall, without unnecessary delay, send notice of the accident to the Local Government and to the inspector of the aerial ropeway. Clauses (*a*) and (*b*) define the accidents and clause (*c*) is very vague, in that it speaks of "any accident of any other description which the Local Government may notify in this behalf in the *Calcutta Gazette*." Sir, it is unlikely that Government will go on

notifying from time to time the nature of accidents in the *Calcutta Gazette*." What I want to provide is that the nature of these accidents should be specified in the rules to be framed in this behalf—accidents *about which the promoter should give notice to the Government*. Therefore, I have provided in my amendment that instead of notifying the nature of accidents in the *Calcutta Gazette*, it should be specified in the rules made under this Act.

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: I am prepared to accept the amendment put forward by Babu Jatindra Nath Basu. A consequential amendment will be necessary in clause 41 and I will move this amendment in its proper place. I would, however, substitute the word "made" for the word "framed" in this amendment.

Babu JATINDRA NATH BASU: I have no objection to the alteration.

The motion was then put in the following form and agreed to:—

"That in clause 20(*c*), lines 2 and 3, for the words 'notify in this behalf in the *Calcutta Gazette*' the words 'specify in this behalf in the rules made under this Act' be substituted."

CLAUSE 28.

Mr. W. L. CAREY: I move that in clause 28, line 5, for the words "[illegible] of general utility" the words "any commodity or me[illegible]be substituted.

[illegible]this Bill as following in the right lines in this country or [illegible]untry. When a public demand arises which necessitates the [illegible] Bill of this sort, it is undoubtedly a sign of progress. Bu[illegible]he lines to be erected under this Bill are to be feeders to [illegible] whether they are to be used to open up new and at present [illegible]e sections of the country, it is, in my opinion, essential th[illegible]ld be made to cover as extensive a list of commodities as [illegible]The expression "general utility" is vague and under it al[illegible]mmodity, with the exception perhaps of articles of bare ne[illegible] food-stuffs, might easily be excluded. Even as regards fo[illegible]may be argued that their transport from place to place is [illegible] convenience rather than of necessity sometimes and the rea[illegible]oving this ambiguity is to be found in the intention of th[illegible]bject of which is to provide facilities in the shape of ne[illegible]s for general commercial purposes.

[illegible]e the Nawab SAIYID NAWAB ALI CHAUDHURI, Kh[illegible]: I have listened with interest to the speech of Mr. Carey

regarding the difficulties which may arise in connection with the present wording of clause 28. Government appreciate these difficulties, but they consider that the amendment as tabled by Mr. Carey goes a little too far. It is necessary in this connection to assert the principle, which obtains in the Land Acquisition Act also, that, before a company shall be able to avail itself of special facilities for acquiring land, whether permanently or temporarily, the company shall be bound to satisfy the Local Government that it is performing or will perform service to the community by the production of necessary articles. The Local Government have, however, examined the wording of the clause carefully in the light of the objection raised by Mr. Carey and I may say at once that they are prepared to amend the clause in the following manner, if this will meet the objections of the hon'ble member. The amendment which I suggest is as follows:—

(*1*) that clause 28 shall be renumbered as sub-clause (*1*) of clause 28;

(*2*) that in the said sub-clause as renumbered—

(*a*) for the words " of general utility " in line 5 the words " in general use " be substituted; and

(*b*) for the words " or required for the conservation " in lines 5 and 6 the words " or is required for the conservation or service " be substituted; and

(*3*) that at the end of sub-clause (*1*), as renumbered, the following sub-clause (*2*) shall be inserted, namely,—

" (*2*) The Local Government shall by notification in the *Calcutta Gazette* declare the commodities which shall be deemed to be commodities in general use for the purposes of sub-section (*1*)."

I have already explained the principle of this amendment, and I am sure that this principle is one which is acceptable to the House; I will therefore ask the permission of the Chair and of this House that the above amendment be substituted for the amendment which Mr. Carey has put forward.

Mr. W. L. CAREY: Sir, I would have preferred a wider application. But I have followed the Hon'ble Minister's arguments and I accept his modifications.

Mr. Carey's motion was then, by leave of the Council, withdrawn, and the following motion by the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur, was put and agreed to:—

(*1*) that clause 28 be renumbered as sub-clause (*1*) of clause 28;

(2) that in the said sub-clause as renumbered—

(*a*) for the words " of general utility " in line 5, the words " in general use " be substituted; and

(*b*) for the words " or required for the conservation " in lines 5 and 6, the words " or is required for the conservation or service " be substituted; and

(*3*) that at the end of sub-clause (*1*), as renumbered, the following sub-clause (*2*) shall be inserted, namely,—

" (2) The local Government shall by notification in the *Calcutta Gazette* declare the commodities which shall be deemed to be commodities in general use for the purposes of sub-section (*1*)."

CLAUSE 31.

Kumar SHIB SHEKHARESWAR RAY: I move that in clause 31, line 39, for the word " fifty " the words " one thousand " be substituted.

My amendment is intended to raise the maximum amount of fine from Rs. 50 to Rs. 1,000 per diem, for some of the offences mentioned in this clause are very serious and would be sources of great danger to the public and in those cases a daily fine of Rs. 50 only is, to my mind, almost insignificant. For instance, sub-clause (*a*) of this clause might be infringed by the promoter by not complying with the restrictions or conditions imposed by the Local Government regarding factors of safety; and for such contumacious conduct endangering public safety, a paltry fine of Rs. 50 is too inadequate considering the gravity of the offence. Similarly an infringement of clause 10 mentioned in sub-clause (*c*) or of clause 13 or of 21 mentioned in other sub-clauses carrying on a ropeway, might lead, even after it had been ordered to public disasters; but only a maximum daily fine of ... been meant as a check. So, Sir, I want to raise the maximum ... 1,000 which might serve as a sufficient deterrent. Of ... amount is only meant as the maximum, and the magistrate ... such cases can impose any fine below that amount, taking ... consideration the paltry or serious nature of the offence.

...HENDRA CHANDRA MITRA Bahadur: I oppose this ... various grounds. It is suggested by the Kumar Sahib ... maximum amount ought to be put at Rs. 1,000 and not ... Bill suggests that the magistrate will have an authority ... amount. I consider that Rs. 50 should be quite sufficient ... arrangement and it will not be safe for the Legislature to ... amount to Rs. 1,000. In that case the magistrate will have ... ning the offender up to the maximum amount. I do not see ... Sahib has put forward this suggestion. I, Sir, think that ... ib is perfectly wrong in allowing the highest punishment ... which may be considered by the Legislature as trivial.

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: The amendment of the Kumar Sahib has a good deal of force in it, but its scope is too wide. The offences for which penalties are imposed in clause 31 vary in their gravity, and distinction should be made if asevere penalty for a continuing offence is to be imposed in any of these cases. The Council will observe that the offences set forth in sub-clauses (*a*), (*b*), (*c*), (*g*) and (*h*) are grave offences which may result in serious harm to the public if allowed to continue. It is in respect of these offences that the Local Government are prepared to meet the Kumar Sahib with reference to his amendment. They do not think that such a severe penalty as he suggests would be fair in the case of the offences set forth in the remaining sub-clauses of this clause. If, therefore, the Kumar Sahib is prepared to accept this view, I suggest that the amendment should take the following form:—

"that in clause 31, line 40, for the words 'to fifty rupees' the words 'in the case of an offence specified in sub-clause (*d*), (*e*), (*f*), (*i*), (*j*) or (*k*) to fifty rupees, and in the case of an offence specified in sub-clause (*a*), (*b*), (*c*), (*g*) or (*h*) to one thousand rupees' be substituted."

I should be prepared on behalf of Government to accept the amendment if expressed in this form.

Kumar SHIB SHEKHARESWAR RAY: I accept the modified form.

The motion was then put in the following form and agreed to:—

"that in clause 31, line 40, for the words 'to fifty rupees' the words 'in the case of an offence specified in sub-clause (*d*), (*e*), (*f*), (*i*), (*j*) or (*k*) to fifty rupees, and in the case of an offence specified in sub-clause (*a*), (*b*), (*c*), (*g*) or (*h*) to one thousand rupees,' be substituted."

CLAUSE 40A

The following amendment was, by leave of the Council, withdrawn:—

Kumar SHIB SHEKHARESWAR RAY: "That in clause 40A(*3*) for the word 'shall' in lines 6, 7 and 9 the word 'may' be substituted."

CLAUSE 41.

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: I move the following amendment consequential upon

the acceptance of the modified form of amendment No. 2 of Babu Jatindra Nath Basu, No. 4 of Kumar Shib Shekhareswar Ray, and No. 7 of Babu Jatindra Nath Basu:—

"that after sub-clause 2(a) of clause 41 of the following be inserted, namely:—

'(*aa*) the conditions under which and the manner in which the powers conferred on promoters by sub-section (*1*) of section 14 and sub-section (*1*) of section 15 may be exercised;

(*aaa*) the accidents of which notice shall be given to the Local Government and to the Inspector under clause (*c*) of section 20.'"

The motion was put and agreed to.

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: I move the following amendment consequential upon the acceptance of the modified amendment No. 5 of Babu Jatindra Nath Basu:—

"that for sub-clause (*2*)(*m*) of clause 41 the following be substituted, namely:—

'(*m*) the procedure for filing, hearing and disposing of applications for revision under this Act, and the procedure for taking the advice of the Advisory Board.'"

The motion was put and agreed to.

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, K[illegible]: I move that the Bill, as settled in Council, be passed.

Mr. CAREY: I have already expressed my welcome to the B[illegible] as the Bill is to be accepted by the House, I should like t[illegible] pleasure on behalf of the Chamber and the commerce of th[illegible] that a Bill of this sort has been brought in. I am st[illegible] Bill will prove to be an extremely useful measure for all ti[illegible] been very carefully considered and combed out by two S[illegible]ees in the past two years, and with the amendments as ac[illegible]e Government we have, I believe, a really useful working m[illegible]nk most of the contingencies have been provided against, bu[illegible] is always possible that in spite of this in actual working fa[illegible]cts may be found, but I believe that they will not be ve[illegible] If the House accepts the measure as it stands, I con-gr[illegible] on a really progressive step in the commerce of the co[illegible]

[illegible] was put and agreed to.

The Calcutta Port (Amendment) Bill, 1923.

The Hon'ble Mr. J. DONALD: I beg to present the Report of the Select Committee on the *Calcutta Port (Amendment) Bill, 1923*. As I have explained, when first introducing the Bill, this measure is intended to put the reserve funds of the Port Commissioners, on a proper footing, and to provide for the establishment of a provident fund for the port establishment. The Select Committee have made certain alterations to improve the provisions of the Bill and define more clearly the powers of the Commissioners, particularly in the matter of the provident fund. I move that the Bill be taken into consideration.

The motion was put and agreed to.

The Hon'ble Mr. J. DONALD: I move that the Calcutta Port (Amendment) Bill, 1923, as amended by the Select Committee, be passed.

The motion was put and agreed to.

The Indian Salt (Bengal) Amendment Bill, 1923.

The Hon'ble Mr. J. DONALD: I move that the Indian Salt (Bengal) Amendment Bill, 1923, be taken into consideration. This is a measure intended to provide for searches in connection with salt offences being made without the assistance of the police.

Dr. PRAMATHANATH BANERJEA: I beg to oppose the introduction of this Bill on the technical ground that the Bill seeks to give power for the facilitation of the administration of the Salt Act. In view of the fact that the salt duty has recently been enhanced against non-official opposition——

Mr. PRESIDENT: We are merely discussing certain provisions which require the presence of police officers at all searches made by salt officers to stop illicit production of salt under the Act. We cannot go into anything that has been done by the Legislative Assembly or any matter of that kind; these questions do not concern us.

Dr. PRAMATHANATH BANERJEA: The object of this measure is to facilitate the administration of the Salt Act, but in the present position of the country we ought not to help such administration. In view of the happenings at Bhola and Faridpur a few months ago I think we are in duty bound to oppose the introduction of this measure.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I beg to oppose the introduction of this measure. I am fully conscious of the fact that this Council has nothing to do with the passing of the Salt Act. I am also

fully conscious of the fact that we have to deal with certain provisions of the law facilitating the realization of the salt tax, but we must remember that the salt tax is one of the most unpopular taxes——

Mr. PRESIDENT: Rai Bahadur, you must be very careful. You have heard my ruling; I cannot permit a debate on the Salt Tax.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I shall be strictly constitutional.

Mr. PRESIDENT: I am not troubling about that. What I hope you will do is to keep strictly within my ruling.

Rai JOGENDRA CHUNDER GHOSE Bahadur: The salt tax is one of the most unpopular taxes and one of the greatest officers has declared it to be a very inequitable tax which should be abolished at the very first opportunity. We have no power over this matter, but we are justified in saying that we shall not help the Government in any way in facilitating the realization of the tax in a manner which was not required during the last 20 years. The salt tax is a heavy burden on the people of Bengal. People inhabiting the sea-shores and the banks of the salt water rivers cannot manufacture salt——

Mr. PRESIDENT: I am sorry to interrupt you. I must point out that your speech is absolutely beside the point; we are not discussing the Salt Act.

Rai JOGENDRA CHUNDER GHOSE Bahadur: You will presently see [illegible] quite relevant.

[illegible]SIDENT: I am very pleased to hear that. Up to the [illegible] speech has been entirely irrelevant.

[illegible]NDRA CHUNDER GHOSE Bahadur: The people of B[illegible]g on the sea-shores and the banks of the salt water r[illegible] manufacture salt for their home consumption The Gov[illegible]ngal first ordered that offences by such persons should b[illegible] Now the position of the present law is to make it h[illegible]ill show how the law is intended to be made harder. I a[illegible] to cite the example of the country where the salt tax ha[illegible]shed as most inequitable, nor am I going to cite the op[illegible]abour members who intended to hamper the labour organiz[illegible] I must say that I feel that every Bengali is justified in wit[illegible]s support to this measure when he is opposed to the incr[illegible]salt tax. Looking at the provisions of the Act we find wha[illegible]ed to do is this. Before this the salt officers could not mak[illegible]ithout a police officer not inferior in rank to a head cons[illegible] now proposed to take away that safeguard. We all

know how salt officers oppress the people and how in the guise of a search grave injustice is done. We know of many riots that occurred in consequence of the *zulum* of the salt officers. Therefore, the Government thought it fit to make the safeguards. Now these safeguards are going to be taken away. They are considered to be safeguards, as the salt officers cannot go into a house off-hand and take away the things and so forth. I therefore say that no reason has been shown why the existing law should be changed. I therefore oppose this measure on the ground, firstly, that there is no reason for the change, and secondly, that we are justified in showing our disapproval to the increase of the salt tax.

Babu KISHORI MOHAN CHAUDHURI: I do not understand why this measure is introduced and why the presence of the police officer is to be dispensed with. Are the police officers not reliable or do they hinder or interfere with the proper discharge of the duties of the salt officers? My apprehension is that the police officers are removed simply to facilitate the work of the officers of the Salt Department and, if necessary, to make the evidence of the latter admissible under the Evidence Act. If the Bill is passed into law I think it will not only help the department but will be a source of trouble to the salt producers. In this connection I may say that the country is groaning under the present arrangement in regard to salt; over and above this if this Act is enacted I apprehend it will be a source of great trouble to the salt producers and facilitate not the administration of the Salt Department but the doings of the officers of that department. In this view I oppose the Bill.

Dr. JATINDRA NATH MOITRA: Like my friends Rai Jogendra Chunder Ghose Bahadur, and Babu Kishori Mohan Chaudhuri, I also beg to oppose this Bill. My principal reason is, as has already been explained by the previous speakers, that hitherto the presence of police officers along with the salt officers during the searches was considered to be a safeguard against possible errors of judgment on the part of the officers of the Salt Department and the removal of this salutary provision might lead to coercion and terrorism. Examples are not unknown to the members of this Council where miscarriage of justice has been the result owing to unfettered searches made by the officers of the Salt Department, and the more we safeguard the interests of the people, the better for the whole country and the Government also. For these reasons I beg to oppose this Bill.

Rai MAHENDRA CHANDRA MITRA Bahadur: I oppose this Bill. On the one hand it may be said by Government that the assistance of the police officers is necessary. On the other hand it may be contended by the people that the removal of the assistance of the police will not lead to *zulum*. Therefore, a great deal of apprehension is felt on the subject.

This measure at the very outset was considered to be against the weight of public opinion and, therefore, any consequential measure that is taken by the Government of Bengal and the Bengal Legislative Council has the same kind of reproach. It is high time for the Bengal Legislative Council to consider whether such a measure ought to be taken or not. If this measure is acceptable to the Council, then my only submission is that it may be safeguarded by several provisions and the whole thing ought to be dealt with under the provisions of the Evidence Act.

SHAH SYED EMDADUL HAQ addressed the Council in Bengali. The translation of his speech is as follows:—

Whatever may be the principle underlying this Bill, the imposition of a tax on salt is at any rate undesirable. On the other hand, as the taxes have been generally increased, the people have lost their confidence in the Government. Having regard to the present position of the country, I do not think there should be any legislation like the Salt Tax, because salt is a dire necessity for human subsistence. I hail from the mufassal and I am perfectly cognisant of the sentiment of the people that prevails there. The mufassal people are fully opposed to the idea of any such drastic legislation. The enactment of a law of this description will create a very unfavourable impression in their minds, and I, therefore, warn the Government not to launch into a line of action which will be extremely pungent to every law-abiding subject. I oppose the motion.

UINUDDIN AHMED: I think that the reputation of the ... very good amongst us. We are always reviling the police, but ... e is going to be a very good lot. In this instance, the pres... olice is going to safeguard the interests of the public. I thin... that if the salt officers be empowered to search and do thin... e police, there would not be a duality and the influence, the g... of the police, would not back these officers. Therefore, I do ... t we should oppose this Bill.

A CHARAN DUTTA: I also beg to oppose this Bill for the ... that though it may be that the reputation of the police is no... y friend, Maulvi Yakuinuddin Ahmed, would like it to be, ... ng that the searching officers of the Excise Department and ... are on a par, one would very much like to put a check upon ... The vagaries of one would certainly then receive some sort ... and check from the other: at least that is the experience ... king of laws of that nature.

I ... to the provision in the Opium Act (as contraband opium is al... ame footing as the contraband salt) where after search and d... whole thing has to be handed over to the police officers for d... on and sending up the case to the magistrate. There,

also, we have got this double agency. It is really, no doubt, very deplorable, that none of our agencies can be fully relied upon and that we always fight shy of their actual operations during search. My friend certainly does not wish that the salutary provisions of search in the Criminal Procedure Code should also be done away with, and therefore, when the police officers are called in, they have to comply with all these provisions of search. Further the criminals, the offenders I would rather use, under the Salt Act, if there are police officers present, will also get the benefit of certain sections, during their trials, of the Evidence Act, as to which, if the Bill is allowed to be discussed, I shall come while discussing my amendment. Sir, I have had the unfortunate experience of seeing at least 40 to 50 persons from the oldest members down to boys and girls of 8 years recently at Cox's Bazar—all brought up before the Subdivisional Officer for having manufactured a small amount of salt at home for their own consumption and fined heavily. That is a sight which would move any man. In order to protect even these people, if double agency is necessary, I think that Government should not do away with either of it; and for this reason I would oppose the introduction of this Bill.

The Hon'ble Mr. J. DONALD: It is rather surprising that this Council which is generally criticising and blaming the police should, at this time, make an attempt to retain them to safeguard the people against tyrannies on the parts of salt officers. The Salt Tax may be an unpopular measure but still some members want not only the salt officers but also the police to administer it. I should have thought from the tone of this Council generally that this would be most unpopular. The whole point of this amendment is retrenchment. It was started as such over two years ago. There was a special staff of 9 sub-inspectors costing over Rs. 2,000, and while examining the police budget we doubted the necessity of this staff and thought that it could be done away with. If the Council throws this Bill out, the Rs. 2,000 will have to be provided again in the police budget and the police budget will go up once more. I do not know in what way the presence of police officers, not inferior in rank to head constables, will secure any advantage. That is the provision that is going out and all that the Bill provides for. Some members want to keep it in as a safeguard. They do not seem to know the section of the Act. If they refer to it, they will find that before conducting a search under this section, the officer conducting it must call in two or three respectable inhabitants of the locality and then the search will be made in their presence. This is surely a sufficient safeguard. When you have got respectable inhabitants present at the time of search, I do not understand the necessity for a head constable or a sub-inspector of police. It should not be necessary that the salt officer, with the safeguard of local respectable inhabitants, should require an officer of the rank of a head constable when he is conducting a search. That is all that the Bill aims at, and I must press therefore for its consideration.

The motion was put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Yakubuddin.
Banerjea, the Hon'ble Sir Surendra Nath.
Banerjee, Rai Bahadur Abinash Chandra.
Birley, Mr. L.
Carey, Mr. W. L.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Choudhury, Khan Bahadur Maulvi Rahmatjan.
Crawford, Mr. T. C.
DeLisle, Mr. J. A.
Dey, Mr. G. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Emerson, Mr. T.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. C. T.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Marr, Mr. A.
McAlpin, Mr. M. C.
McCay, Lt.-Col. David.
Mukerjee, Mr. S. C.
Raheem, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ur-.
Robertson, Mr. F. W.
Skinner, Mr. H. E.
Stephenson, the Hon'ble Mr. H. L
Villiers, Mr. F. E. E.

NOES.

Ahmed, Khan Bahadur Maulvi Wasimuddin.
Ahmed, Maulvi Rafi Uddin.
Ahmed, Munshi Jafar.
Atey, Mr. S. Mahboob.
Ali, Maulvi Syed Mukseed.
Ali, Munshi Amir.
Ali, Munshi Ayub.
Arhamuddin, Maulvi Khandakar.
Banerjea, Dr. Pramathanath.
Bhattacharji, Babu Hem Chandra.
Chaudhu... Babu Kisheri Mohan.
Chaud... Kh... Bahadur Maulvi Hafizar Re...
Chau... Hem...endranath.
Chaw... ...azlal Karim.
Das, ...dev.
Dess ... ...Pyari Lal.
Dutta ... ... Charan.
Ghose... ... Jogendra Chunder.
Haq, ...dadul.
Janah ... ... Chandra.
Karim... ...
Khan, Maulvi Hamid-ud-din.
Makramali, Munshi.
Mallik, Babu Surendra Nath.
Mitra, Rai Bahadur Mahendra Chandra.
Moitra, Dr. Jatindra Nath.
Mukhopadhaya, Babu Sarat Chandra.
Mullick, Babu Nirode Behary.
Nasker, Babu Hem Chandra.
Raikat, Mr. Prasanna Deb.
Rauf, Maulvi Shah Abdur.
Ray, Babu Surendra Nath.
Ray, Kumar Shib Shekhareswar.
Ray Chaudhury, Raja Manmatha Nath.
Roy, Babu Jogendra Nath.
Roy, Mr. Bijoyprasad Singh.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy, Raja Manilall Singh.
Roy Chaudhuri, Babu Sailaja Nath.
Sarkar, Babu Jogesh Chandra.
Sarkar, Babu Pishindra Nath.
Sinha, Babu Surendra Narayan.

... ...ng 28 and the Noes 42, the motion was lost.

... ...DENT: Order! Order!

... ...cy the Governor has been pleased to order that if the Gov... ...siness set down for the 2nd to 5th July is completed earl... ...day than the time fixed, the private business set down for ... ... and 10th July shall be taken on the days immediately foll... ...on which the Government business is concluded.

... ...fore the Government business be concluded to-morrow, the ... Non-official Members' Bill will be taken on the 4th and ...olutions on the 6th.

... ...t business continues to the 4th Non-official Members' Bill, ...en on the 5th and 6th and Resolutions on the 9th.

The Calcutta Municipal (No. II) Bill, 1923.

The Hon'ble Sir SURENDRA NATH BANERJEA: I move that the House will be graciously pleased to grant me leave to introduce a Bill to amend the Calcutta Municipal Act of 1923. The object of this Bill is set forth in the Statement of Objects and Reasons which has been circulated and is in the hands of Hon'ble Members. It will not therefore be necessary for me to refer to it at any considerable length. Sir, it may seem strange that it should be necessary to amend an Act which is only a few months old and which has not yet come into operation. But, Sir, the House will remember that the Calcutta Municipal Act of 1923 is a big and comprehensive measure comprising over 500 sections including sub-sections, embracing over 20 schedules, some of which might fairly claim to be miniature Acts by themselves; and Sir, in a great undertaking of this kind, omissions are too likely to take place. We must all recognize our limitations and the imperfections of human performance. There have been some omissions in the Calcutta Municipal Act and we are here trying to supply them. One of these omissions, the most important one, to which reference has been made in this Bill, is that we have not made any provision for the imposition of rates and taxes for the year 1924 in the added area; nor have we provided any organization for the purpose. These are serious omissions and they have to be made good. Sir, we take advantage of this opportunity to render what seems to my mind to be an act of the barest justice to the inhabitants and the rate-payers of the added area. They will not, certainly for the first year, possibly for a few years longer, enjoy the amenities which are the possession of the people of Calcutta; and it is only right that there should be a differentiation in the rates and taxes paid by them, and we propose, under the Bill, that for the first year the rates and taxes in the added area should be the same as they are now, and for the next four years the matter will be left to the discretion of the Corporation. Sir, our Calcutta Municipal Act is a democratic piece of legislation and the principle of democracy is embodied in this short Bill. We provide that on the General Committee, which is to fix the rates for the added area, for 1924, there shall be 7 representatives from Chitpore-Cossipore, Maniktalla and Garden Reach, 3 from Cossipore-Chitpore, which is the biggest of all the municipalities, and 2 from each of the other municipalities. Therefore, we provide in this Bill what seems to us to be a bare act of justice and we make an arrangement which is consistent with the democratic principles which find a prominent place in the Calcutta Municipal Act.

I desire to say in this connection that a deputation waited upon me —a Muhammadan deputation headed by Nawab Sujat Ali and other Muhammadan leaders—and they pressed upon me this very point which I am now trying to insert in this Bill. Further, in my conversations with the representatives of Maniktalla and Cossipore municipalities

I found that there was a sense of anxiety and even of alarm at the prospect of taxation being screwed up to the point of the Calcutta rates which would be a serious grievance to these people. For these reasons, we have introduced this provision in the Bill.

There is only one other matter to which I might refer—and that is the last section in the Bill which modifies section 20 of the Act. It is really a drafting matter. We make clear our intentions in this section, viz., that those who pay Rs. 12 as rates for the year ending 30th September shall be qualified to vote. I do not wish to detain the House any longer. I beg to move that leave be given to introduce the Bill.

[Here Mr. Deputy-President took the Chair.]

The Secretary then read the short title of the Bill.

The Hon'ble Sir SURENDRA NATH BANERJEA: I move that the Bill be referred to a Select Committee consisting of the names given in the agenda, and with your permission, plus the names of Mr. Willis, Mr. D. C. Ghose, and Mr. A. K. Fazl-ul Haq, with instructions to submit their report in time for its consideration by the Council at the next Autumn session.

Dr. PRAMATHANATH BANERJEA: I rise to support this Bill. I wish also to take this opportunity to suggest that the scope of this amending Bill be slightly widened. When the Calcutta Municipal Bill was being [illegible] in this Council a few months ago, strong objection was taken [illegible] which related to the taking of the oath by all the Councillors [illegible] Corporation. I beg to suggest in this connection that this [illegible] ted from the Act.

M[illegible]Y-PRESIDENT (Babu Surendra Nath Ray): The question [illegible] ne House is that the Bill be referred to a Select Committee [illegible] of Babu Surendra Nath Ray, Mr. H. P. Duval, Mr. S. W. G[illegible] Jatindra Nath Basu, Mr. S. R. Das, Rai Dr. Haradhan Dutt [illegible] Mr. D. J. Cohen, Babu Surendra Nath Mallik, Rai Fani[illegible] Bahadur, Babu Hem Chandra Nasker, Mr. S. Mahboob Aley[illegible] Nasim Ali, Khan Bahadur Abdus Salam, Babu Amulya Dhon[illegible] Willis, Mr. D. C. Ghose, Maulvi A. K. Fazl-ul Haq and the m[illegible] instructions to submit their report in time for its consideration [illegible] Council at the next August session.

The [illegible] then put and agreed to.

[illegible]al Smoke-Nuisances (Amendment) Bill, 1923.

The [illegible] Mr. J. DONALD: I beg to introduce a Bill further to amend [illegible] Smoke-Nuisances Act, 1905. The Council having

thrown out one retrenchment measure will probably give more consideration to this one. This is a measure which forms one of the recommendations of the Retrenchment Committee. It is intended to give power to raise fees for the testing of boilers and the services of inspectors.

The Secretary then read the short title of the Bill.

The Hon'ble Mr. J. DONALD: I move that the Bill be taken into consideration.

The motion was put and agreed to.

The Hon'ble Mr. J. DONALD: I move that the Bill, as introduced in Council, be passed.

The motion was put and agreed to.

The Calcutta Improvement (Amendment) Bill, 1923.

The Hon'ble Sir SURENDRA NATH BANERJEA: I move that the Calcutta Improvement (Amendment) Bill, 1923, be referred to a Select Committee consisting of hon'ble members whose names are in the agenda paper and with your permission, plus the name of Mr. W. L. Carey, with instructions to submit their report in time for its consideration by the Council at the next August session.

Mr. DEPUTY-PRESIDENT: The question before the House is that the Calcutta Improvement (Amendment) Bill, 1923, be referred to a Select Committee consisting of Mr. H. P. Duval, Mr. S. W. Goode, Mr. T. Emerson, Babu Debi Prosad Khaitan, Mr D. J. Cohen, Babu Surendra Nath Mallik, Babu Nitya Dhone Mukherjee, Mr. D. C. Ghose, Rai Harendranath Chaudhuri, Mr S. Mahboob Aley, Mr. H. Barton, Babu Amulya Dhone Addy, Mr Carey and the mover, with instructions to submit their report in time for its consideration by the Council at the next August session.

The motion was put and agreed to.

The Bengal Children (Amendment) Bill, 1923.

The Hon'ble Sir ABD-UR-RAHIM: I beg to introduce a Bill to amend the Bengal Children Act, 1922, with a view to facilitate its early extension to the town and port of Calcutta and Howrah.

This Act was passed a year and a half ago by this House with a great deal of enthusiasm, but owing to want of industrial schools to receive the children, we have not been able to give effect to the Act. The financial condition of Government has been such that it was not possible for Government to set up industrial schools for the purpose of giving effect to the Act, but we are anxious that those provisions in the Act that can be given effect

to even though we have not got certified schools should come into operation at once by amending the Act. Therefore, this Bill empowers us that so far as it is possible, the Act may be given effect to even if we are not ready with industrial schools and other equipments necessary in such connection.

The Bill consists of only three sections. The object of the first is that a part of the Act may be given effect to although it may not be possible for the other parts of the Act to be applied. Then the next section provides that no order shall be passed by the Magistrate sending children to industrial schools until there are industrial schools ready to receive the children and such orders can only be passed to the extent of the accommodation available. The third clause is to obviate the difficulties that have arisen with respect to the place of detention and trial. We have got in Calcutta a house of detention for children and that is also the place where the children are tried, but we are advised that we cannot use that place for the custody or for the trial of children who may be arrested in the suburb, *i.e.*, in Alipore, and we thought that it would be advisable that we should so amend the Act as to enable us to use the House of Detention or the Children's Court in Calcutta for the purpose of dealing with the children who are arrested for offences committed in Alipore. This is the entire scope of the Bill and I beg now to introduce it hoping at the same time that the charitable public of Bengal would make it possible for Government to introduce the whole Act as soon as possible.

The Secretary then read the short title of the Bill.

Sir ABD-UR-RAHIM: I move that the Bill be taken into consideration.

The motion was put and agreed to.

Sir ABD-UR-RAHIM: I move that the Bill, as introduced, be passed.

The motion was put and agreed to.

The St. Thomas' School Bill, 1923.

Mr. [illegible] charge of EUROPEAN EDUCATION (the Hon'ble the Maharaja Bahadur of Burdwan): I rise to introduce a Bill to provide for the management and future location of the St. Thomas' School, Calcutta and for the making over of St. Thomas' Church in Calcutta to certain ecclesiastical authorities.

To explain the necessity of this Bill I must recapitulate the history of the institution which we all know as "The Calcutta Free School" which is to be known in future as "St. Thomas' School, Calcutta".

Some time previous to the year 1756 a charity was founded in Calcutta "for the support and education of 20 boys, the children of British subjects in indigent circumstances." In 1756 Siraj-ud-Dowlah captured and plundered Calcutta and destroyed the Old Church. In 1757 Mir Jaffar Ali Khan had to pay a large sum of money in compensation for the damage done and a portion of this money was made over to the charity to which I have just referred which was then variously called the "Old Charity School Fund and the Free School Charity." In 1787 the Select Vestry of St. John's Church took over the Charity Fund and the School.

In 1789 a second institution was founded under the name of the Free School Society. The purpose of this Society was declared to be "the education of children whether orphans or the offsprings of indigent parents." This institution was to be supported by subscriptions from all classes of the community and any person subscribing 800 *sicca* rupees in lieu of a monthly contribution had to be considered a subscriber for life. Subscribers and benefactors could nominate children for admission to the benefits of the fund. The management was in the hands of the Governor-General as Patron, four ladies resident in Calcutta as honorary Governesses, the Select Vestry of the town of Calcutta for the time being and six other Governors chosen every 3 years by the subscribers.

In 1800 the two institutions were amalgamated and the amalgamated institution was thenceforward administered by the Vestry. In 1813 three extra Governors were added. In 1815 Bishop Middleton became patron of the institution at the request of the Governors. This was the beginning of the connection between the Bishops of Calcutta and the Free School. In 1848 the constitution of the Governing Body was so fixed as to consist of the Governor-General as Patron, the Bishop of Calcutta as Vice-Patron and Visitor, the Archdeacon of Calcutta as Joint Visitor, and 17 Governors, viz., the Select Vestry of St. John's Church (six in number) *ex officio*, two Governors appointed by the Government of India and four chosen by the subscribers. This constitution continued until 1861, when in accordance with a resolution passed at a special meeting of the members and subscribers, the institution was registered under Act XXI of 1860 as a Society under the name of the "Calcutta Free School." This arrangement continued in force until 1913.

In 1913 the provisions contained in the memorandum of association of the Calcutta Free School Society had proved inadequate to the needs of the school and the Governors consequently formed a new Society—the St. Thomas' School Society which, with the sanction of this Government, was duly registered in the office of the Registrar of Companies under Act VI of 1892. The object for which St. Thomas' Society was formed was to acquire and take over the Calcutta Free School in all

its departments and to carry on the school in accordance with the terms of the articles of association of the Society.

In the same year the Governors of the Calcutta Free School Society applied to this Government for permission to dissolve their Society and to transfer all the school property to the St. Thomas' School Society: the permission of this Government was necessary under section 13 of Act XXI of 1860 because this Government was contributor to and otherwise interested in the Free School. This Government considered the matter for about 3 years and in 1916 they replied that should the Calcutta Free School Society determine upon dissolution under section 13 of Act XXI of 1860 they were prepared to agree. But this Government found it necessary to add that the sanction of Government to the Free School Society's dissolution should not be taken as a guarantee to the Society's title to the property and that while Government had no objection to the Free School Society's transferring, on its dissolution, such rights as it had to St. Thomas' Society, Government expressed no opinion as to the extent of the rights or the property transferred.

In 1914 the Government of India agreed to certain proposals put forward by this Government for placing a portion of the Kidderpore House Estate at the disposal of the Calcutta Free School, and this property has since been leased to St. Thomas' School Society. Part of the school is already at Kidderpore and the removal of the rest of the school there is mainly a question of finance depending on the disposal of the present site at a reasonable price. So long as the present site is retained the title of the school thereto is a perfectly good *de facto* [illegible] the purposes of conveyance the title is not so satisfactory. [illegible] Governors are nominally the committee of the St. Thomas' [illegible] no order was ever obtained vesting the property in the [illegible] it is not very clear where precisely the title now lies.

[illegible]rdinary General Meeting of the members of the St. Thomas' [illegible]ty was held on the 21st May, 1923, and this meeting [illegible]llowing resolution:—

"[illegible]he Government of Bengal be asked to introduce in the [illegible]ngal Legislative Council a Bill for the purpose of vest[illegible]g the property and management of the Calcutta Free [illegible]nool in a Board of Governors and declaring the trusts [illegible]reof; and of authorizing such Governors to carry out [illegible] removal of the school to the Kidderpore House site or such [illegible]er site or sites as may be sanctioned by the said Gov[illegible]ment in its Education Department and to sell, mortgage [illegible]otherwise dispose of the present site and to make such [illegible]her provisions in connection with the above objects as [illegible] be necessary."

[illegible] School site in Free School Street there is also situ[illegible]at[illegible]s' Church which was built somewhere about 1820 partly by [illegible]ntributions from the School Funds. This Church is

addition to being the School Chapel is also a Parish Church. The title therein is also somewhat uncertain and the Society, the Governors and the Local Government consider it best that the property in the Church, in view of the possible removal of the school, should be vested formally in the proper ecclesiastical authorities, i.e., the Lord Bishop of Calcutta and the Archdeacon of Calcutta conjointly. Provision for this is made in clause 13 of the Bill.

In the circumstances explained and at the instance of the Governors of the School and of St. Thomas' Society this Government has decided that the simplest and most effective way of enabling the authorities of the Calcutta Free School to deal with the situation which confronts them is to legislate. Hence this Bill which has been drafted with the knowledge and approval of the Lord Bishop of Calcutta, the Chairman of the Governors of the Calcutta Free School.

The Secretary then read the short title of the Bill.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: I beg to move that the St. Thomas' School Bill, 1923, be referred to a Select Committee consisting of Mr. H. P. Duval, Mr. W. W. Hornell, Mr. S. R. Das, Babu Surendra Nath Mallik, Mr. F. E. E. Villiers, Mr. H. Barton, Mr. W. L. Carey and myself, with instructions to submit their report in time for its considerations by the Council at the August session.

The motion was then put and agreed to.

The Bengal Tenancy (Utbandi Amendment) Bill, 1923.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: I beg leave to introduce a Bill to supplement and amend the Bengal Tenancy Act, 1885, in order to provide means whereby a uniform annual rent may be fixed for lands held under the custom of utbandi and to make further provision in respect of such lands.

In doing so I will not worry the Council with the ancient history of the subject how special provision was inserted in the Bengal Tenancy Act for utbandi land in the teeth of opposition from the Government of Bengal in 1885, how on and off there have been inquiries into the matter and now we have received evidences of dissatisfaction with the system from the tenants and indeed from the landlords. Most members of the House will, however, want to know what utbandi is, for this is a local matter confined mainly to the districts of Nadia and Murshidabad. Frankly, I may say I cannot define it; in fact no one has been able to define it properly. I can only explain it in the words given in the Statement of Objects and Reasons to the Bill. The holding is not fixed either in area or in position but consists of a variable parcel or parcels of land ascertained by measurement or

inspection made at least once a year. The rent is fixed for each year or season in respect of the parcel or parcels of land which has been ascertained by the said measurement or inspection to have been during the year or season in question in the cultivation of the raiyat.

This is what it was. The system has, however, developed in practice into a species of settled cultivation in which it is undesirable to restrict the acquisition of ordinary raiyati land or to retard the acquisition of occupancy rights, which the present section, 180 of the Bengal Tenancy Act, does in theory and more effectively in practice.

The present Bill arose out of paragraph 14 of the Report of the Committee appointed to consider the amendment of the Bengal Tenancy Act. Briefly, it is proposed not to abolish utbandi but that an arrangement should be made for enabling utbandi tenures to be converted into ordinary raiyati holdings. They also recommended that as the utbandi system was a local one affecting portions of a few districts only and had little connection with the main principles underlying their general amendment, the subject of utbandi should be treated separately and dealt with by separate legislation. The present Bill was accordingly drafted. Before introducing it into this Council, I thought it would be advisable to have the Bill published to obtain public opinion on (1) the Bill itself, (2) the suggestion that utbandi should be entirely abolished, and (3) the suggestions to define utbandi and other characteristics of utbandi which would have the effect of stereotyping in law what was hitherto left to custom. It is obvious that the present Bill represents a compromise between the two extremes of the absolute abolition of utbandi and the insertion of the incidents of utbandi specifically in the Act and thus strengthening the hold the system has in certain districts. We have received a volume of opinion on the subject, but the criticisms of those who know what they are talking about are in the main favourable to the proposed legislation. I have therefore, decided to introduce the Bill in the Council as it stands to wait for opinion with the opinions received on it without making any material changes leaving the necessary changes to be made by the Select Committee. On the two questions on which public opinion was divided, whether utbandi should be abolished or whether a definition of the chief legal incidents of utbandi should be inserted in the Bill, Government have made up their minds. There are some who desire to see the end of utbandi altogether. This extreme measure does not, however, receive much support. Moreover, there are still parts of Nadia to which the system is suitable whilst it is difficult at this late hour to wipe out the system at a stroke of the pen. As to the suggestion that utbandi should be defined I shall not enter into any argument as to why Government are opposed to it. In the opinion of Government the Bill will benefit both landlords and the tenants; the tenants because it will help them to get utbandi lands converted into the ordinary raiyati land and

the landlords because it will save them the trouble of ascertaining periodically the land under utbandi and the frauds committed by their *amlas* in underestimating the area under cultivation. With these words, I ask your permission to introduce the Bill.

The Secretary then read the short title of the Bill.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: I also move that the Bill may be referred to a Select Committee consisting of the Hon'ble Mr. P. C. Mitter, Mr. H. P. Duval, Mr. M. C. McAlpin, Rai Sahib Mahendra Nath Gupta, Maharaja Kshaunish Chandra Roy Bahadur, Mr. Syed Erfan Ali, Maulvi Ekramul Haq, Babu Bhishmadev Das, and the mover, with instructions to submit their report in time for its consideration by the Council at the next August session.

Maharaja KSHAUNISH CHANDRA ROY Bahadur: I do not object to the Bill being referred to a Select Committee. In fact from some points of view I welcome this legislation. But as a member from Nadia—the district which is mainly affected by this measure—I may be permitted to make a few observations at this stage.

It is not correct to think—and it will be a mistake if we proceed to legislate on any such assumption—that the system of utbandi is altogether an evil to the tenant or that it is an unmixed blessing to the landlord.

[At this stage the Hon'ble the President returned to the Chamber and took the Chair.]

Had it been so, the Government of Lord Ripon and Sir Rivers Thompson would certainly have been the last to make an exception for it in the Act of 1885. I would not go into any academic discussion about the origin of this system of tenancy which exists only in Nadia, Murshidabad and some parts of the neighbouring districts. As matters stand now both the landlord and the tenant are at the mercy of the utbandi *amin* and the village *gomasta*. No doubt the landlord has the advantage of having for his stock of khas lands all fields which are not cultivated by the tenant in any year; but the tenant too has the advantage of not having to pay any rent for the land he does not actually cultivate. A system which requires the landlord to make an annual examination of every plot of land in the field and keep his rent-roll in an almost constant state of uncertainty is, to say the least, a nuisance, an expensive nuisance to him. I would, therefore, welcome the proposed Bill as a measure which would give the parties, when they so desire, a means by which they can get the system changed to one of ordinary *raiyati* holding.

But, we should proceed with caution. It will be a mistake to think that the existence of utbandi tenancies in Nadia and its neighbourhood is a matter of mere accident. The system is indigenous, a natural result of the economic and other conditions which prevail or rather prevailed in

this local area. Ordinarily, no occupancy rights would, according to the provisions of section 180, be acquired in lands where such conditions still prevail. It is for the Select Committee to examine the question whether lands in which occupancy rights have not been acquired should not be excluded from the scope of the proposed measure.

The next point of importance is the determination of the amount of what is called in the Bill "uniform annual rent." It will be very hard on the landlord and not fair if, as a result of conversion, his rent-roll gets materially reduced. But the provisions in the proposed clause 8 of section 180(A) of the Bill make such a contingency quite possible, and in the hands of particular officers may become the general rule. I would submit for the consideration of the Select Committee that the rent to be determined should not be less than the average of the rents of the preceding 6 years, or any other period which is taken as completing a cycle of utbandi cultivation. This will be in a line with the proposed amendment of the Commutation procedure in section 40 of the main Tenancy Bill; and following the same rules I would submit further that in cases of difference, provision should be made for the payment of a premium to compensate the landlord even where occupancy rights have been acquired.

On the analogy again of the proposals under section 40 in the main Bill and with the same object of protecting the poor middle-class people in the villages who depend for their subsistence on the lands occasionally settled by them in utbandi, a provision, similar to clause 5 (a) of section 40 in that Bill, seems necessary. I need hardly emphasize here that in the pr[illegible] of economic strain, the middle-class people in our country [illegible] hard hit and nothing should be done which would make their [illegible] acute, or reduce the value of the property they possess.

[illegible] proposes to restrain the procedure for conversion to the [illegible] Revenue authorities only. It ignores the fact that hitherto [illegible]ons have been, to a very considerable extent, effected by [illegible]ment between the landlord and the tenant. At one time [illegible] probably the prevailing system of tenancy in Nadia, but the [illegible] Settlement has revealed that only about an eighth part of [illegible]s now so held. Conversions by mutual agreement without [illegible] Revenue authorities or Courts should be encouraged and [illegible]should be clearly recognized in the law.

[illegible]oposes to fix the premium at three times the rent and that [illegible]d only to lands in which occupancy rights have not been [illegible]should submit here that it is ordinarily much higher, some[illegible]as 10 to 15 times. I would, therefore, strongly urge that if [illegible]committee at all retains the "non-occupancy lands," the [illegible]ld be raised. It should be remembered that these conver[illegible]t the first regular settlement of zamindar's khas lands or at [illegible]g a tenant-at-will a regular occupancy raiyat and so the [illegible]uld not be deprived of what he ordinarily gets by such

sc[illegible]

Lastly, I would submit that an endeavour may be made to define or at any rate describe utbandi either as part of the present measure, or if that be not possible, along with the main Bill on the Tenancy Act. It is not defined in the Act of 1885, as the Hon'ble the Member has already said, and this has been a fruitful source of litigation in the past, and a direct incentive to distortions of the system and creation of hybrid systems in different areas. As a result, the Courts are often confused and mistakes occur which make the confusion further confused. To add to these, the recent settlement records have introduced new complications. I do not wish to criticise here the procedure adopted by the Settlement Department; but I would mention that there have been obviously conflicting entries in the record-of-rights in respect of the incidents of utbandi lands. Perhaps the reason is that different orders were passed at different times as experience was gathered in the course of the proceedings. But the general effect has been far from satisfactory. New elements of confusing ideas, false hopes and false alarms have been introduced which make the situation worse. These have, no doubt, made the framing of a definition or even giving a description of utbandi a difficult task and if neither be possible I would still welcome the Bill although it would merely provide for a procedure for conversion of utbandi lands.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I have carefully examined the provisions of the Bill and I must say that it seems to me to be a hasty piece of legislation by which neither the interests of landlords nor those of tenants will be served; on the contrary I believe that the interests of the tenants will be clearly jeopardised by the proposed provisions of the Bill. I will not speak of the zamindars or the middle classes who will be hard hit by it, but I will speak of the tenants. Now, what is provided for in this Bill is that the tenants will have to pay the average of rent actually paid or payable to the landlord on account of lands during the previous six years or during any shorter period for which evidence may be available.

Now, Sir, as everybody who knows anything of the utbandi land is aware that in utbandi land two years' good crops are followed by one year of no crop at all, and from that one year of no crops it is the landlord who has to suffer; he cannot realize rents from the men who got no crops whatsoever. Therefore, the provision that the tenants will have to pay the average of 6 years rent actually paid or payable will be a provision which will hit the tenants very hard. The tenants will not be able to pay it. Therefore, Sir, the Bill will serve neither the interests of the tenants nor those of the landlords. Why should we be hankering after legislation to disturb the placid state of things, the placid relationship that exists between the landlords and the tenants? Why should we disturb the present state of things, by which a landlord is able to get as much as he can out of his land and the tenant is enabled to pay as much as he can for the land.

There is no reason whatsoever to disturb this state of things and I am of opinion that this Bill is an ill-advised measure.

Maulvi YAKUINUDDIN AHMED: I beg to support this Bill. It is an attempt to give the tenants as well as the landlords their dues. Maharaja Kshaunish Chandra Roy Bahadur, who is supremely interested in this matter than anybody else, has not opposed this Bill, and I am surprised to find that my friend in the front (Rai Jogendra Chunder Ghose Bahadur) has thought fit to oppose it. I think two years' good crops followed by one year's bad crops or no crops does not matter, and the provision that a uniform annual rent is to be ensured to the zamindars is a provision for the good of the zamindars and is in the right direction. I am surprised to find that my friend in the front has opposed the Bill on that ground. I think this Bill is an attempt at improving the economic conditions of the districts in which utbandi prevails. There is every opportunity to the raiyat to improve his land if an annual uniform rent is ensured to him. If the raiyat knows that so much he is to pay whether in bad years or in good years, I think the raiyat will improve the land to its utmost capacity and consequently the zamindars will gain by it. We know that when a land is taken by the raiyat, all efforts are made by him to improve the land, and if there is no stability in the rental, he does not take so much interest as is expected of him. That is the idea prevailing in the mufassal. The raiyats when they have to pay rent take particular care to cultivate the lands to their utmost capacity. Therefore, this law will ... the cultivation of the land, and in a short time barren la... brought under cultivation in a way that will yield a crop ev... With these words, I support the Bill.

... **ED EMDADUL HAQ** addressed the Council in Bengali. Th... of his speech is as follows:—

...usal of the codifications made by Jaimini and Manu, it is ...t those who actually tilled the soil were virtually the ow... ...nd and I also concur with the views expressed by these em... ... Can anyone refuse to give the cultivators the right of ...ship, who encounter all sorts of hardships for the purpo... ...ation? It is impossible to calculate how many have lost the... ...erse jungles being attacked by wild animals. And it is stil... ...ssible to conceive the idea that the descendants of the vie... ...be deprived of the privilege of enjoying the lands on wh... ...e said, their forefathers had sown the seed with indefat... ...try. The great legal enactment *Aini-Akbari* and other leg... ...ns made during the Muhammadan period conclusively pro... ...tenancy right of a raiyat was most clearly established, and ... that it is highly unjust and inequitable that he should

have no right whatsoever for the land he cultivates. I have no connection with the utbandi system and the system does not obtain in my district. Still I feel bound to say something on this point, inasmuch as the sufferers under this bad system are as good human beings as we are. If this Bill is passed into law, the tenants may be benefited to a great extent. I would, therefore, support the motion with all the emphasis I can command.

Rai MAHENDRA CHANDRA MITRA Bahadur: Rai Jogendra Chunder Ghose Bahadur has been pleased to say that this Bill is an erroneous and ill-advised one. I consider that he is labouring under a great mistake. If we take into consideration the interests of the raiyats along with the interests of the zamindars, it cannot be denied that the present Bill is a compromise between the interests of the two particular kinds of holders of land. If one goes carefully through the provisions of the Bill, he will find that there was a struggle in the mind of the framer of the Bill as to how to balance the respective interests of the two classes of the people. I congratulate the framer of the Bill for the consideration given to the prevailing system of utbandi in various districts. One must consider the interest of the landlord, but at the same time he must not forget the interest of the raiyats and it is the bounden duty of Government to look to that interest. In the famous Notification of 1793, when the Permanent Settlement was granted to the zamindars, it was declared that the interests of the raiyats as well as those of the landlords should be taken into consideration. Anyone who has experience of the mufassal will understand that the position of the raiyats is very precarious; in some years the crop is good and in other years it is not. Then what is the position of the raiyats? The Bill attempts to see that there is a uniformity of rent as far as possible so that the raiyat will not have to suffer and at the same time the landlord can look to the land which they may consider as a very good land. Of all the problems of land tenure, the utbandi tenure (I cannot use the word "tenure"), the holding or the utbandi interest, if I may use the expression, has a peculiar meaning in the mind of the people. Those who have zamindaries in the mufassal will, every year, have to face the difficulties which the raiyats put before the landlords. Certainly, therefore, on this ground I say that Rai Jogendra Chunder Ghose Bahadur is perfectly wrong in putting forth the point from the landlords' point of view. All points ought to be considered, and I again repeat that this Bill ought to be considered by the Council with regard to all the various clauses which are to be found in it. I consider that many of the provisions demand modifications. I have every confidence in the ability of the members of the Select Committee to consider them. I will not, therefore, trouble the Council by making comments upon them. I will wait till the report is submitted to the Council by the Select Committee.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: At this stage I do not think that I need add anything further to what I have already said in introducing this Bill. The Maharaja of Nadia is himself a member of the Select Committee which I have proposed, and knowing, as I do and as the Government know, that he is one of the best landlords in his district, I am sure that we shall receive every help from him in coming to a compromise which will be fair both to the landlords and to the tenants. I am glad to find that the reception given to the Bill at this stage is so encouraging. My friend, Rai Jogendra Chunder Ghose Bahadur, who sometimes takes a pessimistic view of things with a face which makes one feel that he tries to appear more pessimistic than he really is, wanted to point out, I think, what was at the back of his mind, that the utbandi raiyat, even if he has got no crop from his land, will have to pay the rent and from that point of view, it was unfair to the tenant. Normally, when there is no crop in any particular year, the utbandi tenant does not have to pay rent. That is all that I wish to say at the present moment and I sincerely hope that at the next session of the Council we shall be able to produce a Bill to receive the due consideration of the Council.

The motion was then put and agreed to.

SUPPLEMENTARY DEMANDS FOR GRANTS.

Other Revenue Expenditure financed from Ordinary Revenues.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of B...: I move that a sum of Rs. 175 be granted for the purpose o... Calcutta House Allowance to Babu Binoy Ranjan Haldar, E... gineer, Khulna Division, for the month of December, 1... ount being met from the current year's voted grant for e... under the head "15.—Other Revenue Expenditure fi... Ordinary Revenues."

...man was appointed early in December. The demand is n... erwise he will not get the Calcutta house allowance for th... As there is no opposition, I beg that the demand be g...

... was put and agreed to.

...—Superannuation Allowances and Pensions.

The Hon'ble Mr. J. DONALD: I move that a sum of Rs. 10,000 be ... r expenditure under the head "45.—Superannuation Al... d Pensions" in connection with the creation of a com-pe... d.

All members have probably seen the resolution which was issued in the *Gazette* the other day. This provision is intended to provide for help to the families of officers left in indigent circumstances through the premature death of the person upon whom they depended for help. No other allowance is admissible to their families. It is merely to meet cases of this nature that the fund is being started. If an officer dies a premature death, it is often desirable to provide his family with an allowance. The Council will, I think, agree that this is a very good measure.

The motion was put and agreed to.

41.—Civil Works.

MINISTER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): I beg to move that a sum of Rs. 51,322 be granted under the head "41.—Civil Works" for the construction of the External Maternity Departments in connection with the Eden Hospital, Calcutta.

The motion was put and agreed to.

Mr. PRESIDENT: This disposes of the Official Business. We shall take up the Non-official Members' Bills to-morrow.

Adjournment.

The Council was then adjourned till 3 P.M. on Tuesday, the 3rd July, 1923, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 3rd July, 1923, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 97 nominated and elected members.

Starred Questions

(to which oral answers were given).

Eligibility of political offenders as candidates for election to the Bengal Legislative Council.

*VIII. **Rai NIBARAN CHANDRA DAS GUPTA Bahadur:** Will the Hon'ble the Member in charge of the Appointment (Legislative) Department be pleased to state whether the Government have come to any decision as to the eligibility of persons who underwent imprisonment for political offences as candidates for the next general election to the Legislative Council?

The Hon'ble Member in charge of APPOINTMENT (LEGISLATIVE) DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): No decision has been arrived at.

Action on the report of the "Greaves Committee."

Babu MANMATHA NATH RAY CHOUDHURY: (*a*) Is the Hon'ble Member in charge of the Political Department aware of the widespread discontent, in Bengal, due to Government not taking any action on the report of the "Greaves Committee" for the separation of the judicial and executive functions?

(*b*) Are the Government considering the desirability of taking steps at an early date to give effect to the recommendations of the said Committee?

The Hon'ble Member in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. [illegible]-Stephenson): (*a*) Government are aware that those who are interested in the question desire an early decision. The suggestion that no action is being taken is incorrect.

(*b*) As was promised last March a scheme for separation has been drawn up. It involves a radical alteration in the conditions of several services, and further examination has shown that before effect could be given to the recommendations of the Committee numerous important decisions must be made. The scheme is still under the consideration of Government and some further time must elapse before a decision can be announced. The subject is receiving continuous attention.

The personnel of the Committee appointed to ascertain the causes of unemployment among the educated middle class.

***X. Rai LALIT MOHAN SINGH ROY Bahadur:** (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state the personnel of the Committee which has recently been appointed to ascertain the causes of unemployment among the educated middle class of Bengalis and Anglo-Indians?

(*b*) Will the Hon'ble the Minister be pleased to state the object for which the Committee has been appointed; its number of sittings since its creation with a statement of work done at each meeting?

** (*c*) Will the Hon'ble the Minister be pleased to state whether all the evidence, which will be taken, will be only oral or documentary or both?

(*d*) Are the Government considering the desirability of taking statistics for the actual number of the unemployed in each district, if possible, to accomplish the object in view?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) and (*b*)—*First part.*—The member is referred to this Department resolutions No. 5579 Ind., dated the 18th November, 1922, and No. 1656 Ind., dated the 28th March, 1923, published in the *Calcutta Gazette* of 22nd November, 1922, and 4th April, 1923, respectively, and this Department notification No. 291 T.A.I., dated the 5th May, 1923, published in the *Calcutta Gazette* of the 9th May, 1923, which contain information about the personnel of the Committee and its object.

(*b*) *Second part.*—The number of meetings held so far is three. The following work has been done since the creation of the Committee:—

FIRST MEETING.

(*i*) Selection of Dr. Pramathanath Banerjea in place of Rai Radha Charan Pal Bahadur, deceased.

(*ii*) Appointment of a sub-committee to institute preliminary inquiries into the literature already existing on the subject of unemployment and to formulate a simple set of questions for information bearing on the problem.

SECOND MEETING.

(*iii*) Consideration of the report of the sub-committee and deciding the form in which the questionnaire should issue.

THIRD MEETING.

(*iv*) Circulating a note on the work done, so far, for information of the newly appointed members, and finally approving the questionnaire and the list of persons and public bodies to whom it should be sent.

(*c*) Both.

(*d*) The Committee are considering the matter, but have not so far come to a decision.

Unstarred Questions

(answers to which were laid on the table).

Reconstruction of the bridge over the Atrai.

44. Babu TANKANATH CHAUDHURI: Will the Hon'ble the Mi[illegible] harge of the Department of Public Works be pleased to sta[illegible]

[illegible] the reconstruction of the bridge over the Atrai near [illegible]gaon railway station on the Behar section of the Eastern [illegible]gal Railway is likely to be finished;

[illegible]er old materials are being used for the reconstruction of [illegible] bridge;

[illegible]er sufficient space will be made available for country [illegible]s to pass under the bridge at the time of high flood?

[illegible] **in charge of DEPARTMENT of PUBLIC WORKS (the Ho[illegible] Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur):** [illegible] onstruction was completed on 4th June, 1923, and the bri[illegible] reopened for traffic.

[illegible]n girders are second-hand, released from another bridge wh[illegible]ans have been substituted. The cross bearing girders ove[illegible]ers have been built up from new material.

[illegible]dway under the reconstructed bridge at high flood level is [illegible] which should be ample for country boats to pass.

Appointment of Chief Presidency Magistrate, Calcutta.

45. Babu JATINDRA NATH BASU: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether the Government have decided to abandon the practice of appointing a practising lawyer to the post of Chief Presidency Magistrate, Calcutta?

(*b*) If not, why was the practice lately departed from?

(*c*) Is the appointment of Mr. Roxburgh to the office of Chief Presidency Magistrate, Calcutta, temporary or for any fixed period? If the latter, for what period?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) The answer is in the negative. There is no practice that only a practising lawyer can be appointed to the post.

(*b*) The question does not arise.

(*c*) Mr. Roxburgh has not been appointed either temporarily or for any fixed period, but it is proposed to retain his services in the appointment only as long as is found necessary.

Fall in litigation.

46. Babu BHISHMADEV DAS: (*a*) Is the Hon'ble the Member in charge of the Judicial Department aware of the considerable fall in litigation and consequent decrease in the income of pleaders?

(*b*) Will the Hon'ble the Member be pleased to state whether the Government are considering the desirability of making some provision to improve their present deplorable condition?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) There was a falling off in the number of suits in 1921 of about 13 per cent. compared to 1920. The figures for 1922 are not yet available. Government are not aware of any decrease in the income of pleaders.

(*b*) No.

Elected and nominated members of the local and district boards in Pabna.

47. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state the number of elected and nominated members of the local and district boards in Pabna from the different communities during the last three terms of office and in the present term?

(*b*) Has the principle of safeguarding the interests of the communities and police-stations not adequately represented by election from the local boards to the district board of Pabna been observed in the case of the present nomination? If not, why not?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): (*a*) The number of Hindu, Muhammadan and *ex officio* members of the last four boards is noted below:—

	Elected.		Appointed.		
	Hindu.	Muhammadan.	Hindu.	Muhammadan	*Ex officio.*
Sadar Pabna District Board—					
1912-13 ...	4	4	2	3	3
1915-16 ..	2	6	3	1	4
1918-19 ..	4	4	1	3	4
1921-22	10	6	1	4	3
Pabna Local Board—					
1912-13	6	1	1	4	..
1915-16 .	3	1	4	4	...
1918-19 .	4	.	3	5	.
1921-22	10	2	1	5	
Sirajganj Local Board—					
... .	2	6	2	1	1
: ..	2	6	2	1	1
: ...	1	7	2	1	1
..	6	6	2	4	...

... smaller communities, the information is not readily a...

... ations are used to rectify inequalities in communal repre... ... h the elections may produce.

... ionment of seats between the different thanas is made so as to ... te representation to each.

Delivery of Judgments in Criminal Courts.

Maulvi SYED EMDADUL HAQ: (*a*) Is the Hon'ble the M... ...arge of the Judicial Department aware of the fact that in ...nal Courts judgments are generally delivered at 2 o'clock

and that the persons who are sentenced do not get sufficient time to lodge their appeal on the same day?

(*b*) If so, will the Hon'ble the Member be pleased to state whether the Government are considering the desirability of redressing this grievance?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) and (*b*) Government do not propose to take any action in the matter on the ground that it will be an unwarrantable interference with the discretion vested in the Magistrates by the law.

Appointment of honorary preachers in jails.

49. SHAH SYED EMDADUL HAQ: (*a*) Has the attention of the Hon'ble the Member in charge of the Department of Revenue (Jails) been drawn to the notice of the resolution given by me in the last session for the appointment of honorary preachers in jails?

(*b*) Will the Hon'ble the Member be pleased to say whether any such preachers have been appointed, and if so, to state the names of the districts and jails where such preachers have been appointed?

MEMBER in charge of DEPARTMENT of REVENUE [JAILS] (the Hon'ble Mr. H. L. Stephenson): (*a*) The answer is in the affirmative.

(*b*) The member is referred to the Annual Jail Administration Report which contains the information.

Excavation of tanks on the Eastern Bank of the Damodar Embankment.

50. Rai LALIT MOHAN SINGH ROY Bahadur: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether there is any notification against the excavation or re-excavation of tanks, etc., beyond 50 feet from the slope on the eastern bank of the Damodar Embankment?

(*b*) If so, will the Hon'ble the Member be pleased to lay on the table a copy of the said notification?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) There is no

particular notification against the excavation of tanks, but the Damodar Left Embankment, being a Government embankment (Schedule D, No. 32), section 78 of the Bengal Embankment Act, II of 1882, will apply in the case of a tank excavated near it if they diminish the efficiency of the embankment.

(*b*). The question does not arise.

Bill for the control of Secondary Education.

51. Sir ASUTOSH CHAUDHURI: Will the Hon'ble the Minister in charge of the Department of Education be pleased to state—

(*i*) whether it is a fact that a Bill for the control of secondary education in Bengal has been framed by the Government;

(*ii*) whether the opinion of the Senate of the University has been obtained on the provisions of the Bill; if so, what is it;

(*iii*) whether the Bill has been submitted to the Governor-General for sanction to its introduction into Council and whether his sanction has been obtained or not;

(*iv*) whether the Government are prepared to lay on the table a copy of the Bill and the correspondence, if any, between the Government of India and the Government of Bengal on the subject;

whether it is a fact that the Government of Assam has opposed the Bill;

whether the Government are prepared to lay on the table the correspondence that has passed between the Government of Bengal and the Government of Assam on the subject?

ER in charge of DEPARTMENT of EDUCATION (the P. C. Mitter): (*i*) Yes.

The report of the Senate is confidential and Government unable to divulge its contents.

the Bill is still under discussion, Government are unable the table. There has been no correspondence with the of India with regard to it.

the Government have not yet come to a final decision, the ce cannot be laid on the table.

Acquisition of lands for the Grand Trunk Canal Project.

82. Babu JATINDRA NATH BASU: (*a*) Is the Hon'ble the Member in charge of the Department of Irrigation aware that though a declaration for acquisition of lands for the Grand Trunk Canal project in the villages of Patipukur, Dakhindari, Bagjoli and other villages in the district of 24-Parganas, being declaration No. 6433 L.A., dated the 2nd August, 1920, was published in the *Calcutta Gazette* on the 4th August, 1920, no step has yet been taken for the actual acquisition of any of the lands in the said villages comprised in the said declaration, nor have the lands in those villages been released from acquisition?

(*b*) Is the Hon'ble the Member aware that several petitions were addressed to the Secretary to the Government of Bengal and to the Chief Engineer, Grand Trunk Canal project, for exemption of the lands in the above mentioned villages from acquisition, or for completion of the acquisition, but no action has yet been taken on the said petitions?

(*c*) Has the attention of the Hon'ble the Member been drawn to the statements made in the said petitions that very considerable loss is being caused to the owners of the lands in the said villages in consequence of the subsistence of the declaration, as they cannot utilise those lands to the best advantage, and sales and mortgages have come to a stand-still in consequence of the pendency of the declaration to the serious inconvenience and loss of the owners?

(*d*) Will the Hon'ble the Member be pleased to state whether in view of the contemplated abandonment of the alignment of the Grand Trunk Canal project the said declaration, dated the 2nd August, 1920, be kept in subsistence for any further period? If so, for what period?

(*e*) Will the Hon'ble the Member be pleased to state whether it is in the contemplation of the Government to compensate the owners of the lands, subject to the above declaration, for the loss that they have suffered in consequence of the subsistence of the declaration?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) It is not correct to say that no steps have yet been taken to acquire the said lands; 408 bighas of land have been acquired. Neither is it correct to say that no steps have been taken to release lands from acquisition; 850 bighas of land in the most populous areas have been withdrawn from acquisition.

(*b*) Yes.

(*c*) Yes.

(*d*) The whole matter in connection with the Grand Trunk Canal is still under the consideration of Government.

(*e*) No.

Guns held on license in this Presidency.

53. Khan Bahadur Maulvi WASIMUDDIN AHMED: Will the Hon'ble the Member in charge of the Police Department be pleased to lay on the table a statement showing the number of guns held on license in the province during the last five years, as well as during the five years ending on the 31st March, 1914?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 53 showing the number of guns held on license in the Presidency of Bengal during the years 1912-14 and 1917-21.

Year.	Number of guns (including rifles).
1912	27,668
1913	26,544
1914	26,378
1917	26,308
1918	25,895
1919	26,718
1920	33,106
1921	36,828

... ...res are kept according to the calendar year. They are given ... ...nly, the year in which the present province was constituted.

Administration of the Revenue Sale Law.

... **Babu ANNADA CHARAN DUTTA:** (*a*) Will the Hon'ble ... in charge of the Department of Revenue (Land Revenue) ... to state whether there is any circular order or any standard ... limit of the penalty which is charged as condition precedent ... ...on from sale of any revenue-paying estate under section 18 ... 1859? If so, what is such limit?

... ...e Honble the Member aware that in many cases in Chitta- ... 22, cent. per cent. penalty and even higher penalty was ... such exemptions?

(*c*) Will the Hon'ble the Member be pleased to lay on the table a statement showing for the districts of Chittagong, Comilla and Noakhali for the years 1920 to 1922—

(*i*) the number of estates exempted from sales;

(*ii*) the numbers of such estates;

(*iii*) their annual *sadar jama;*

(*iv*) the arrear for which they were advertised for sale; and

(*v*) the penalty charged for exemption from sale?

(*d*) Will the Hon'ble the Member be pleased to state whether it is in the contemplation of the Government to take any steps to remedy the hardship caused by realization of such penalties?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) In 1909 the Eastern Bengal and Assam Board of Revenue issued general instructions. They prescribed that in general the penalty should not exceed Rs. 5 if the arrear of revenue does not exceed Rs. 10, Rs. 10 if the arrear be more than Rs. 10 but not more than Rs. 40, and 25 per cent. of the amount of the default in any other case. In the same order they laid down that the penalty should be sufficient to act as a deterrent against future defaults.

(*b*) Yes.

(*c*) (*i*), (*iii*) and (*iv*) The information is contained in Appendix VI of the Annual Land Revenue Administration Report.

(*c*) (*ii*) and (*v*) The number of exempted estates is very large and the compilation of this information would involve labour incommensurate with its value.

(*d*) No. The land revenue of many estates in Chittagong district is very small, being in numerous cases less than Rs. 5. The collection of petty arrears involves unnecessary expense for Government and, where the arrears are very small, a penalty of less than cent. per cent. would frequently be so small as to have no deterrent effect. Government are unwilling to insist on these petty estates being put up to sale where this is avoidable, and therefore they approve of the system of penalties being taken as a condition for exemption. There is no alternative to sale except deterrent penalties. The penalties in Chittagong district, where the majority of the exemptions referred to in (*c*) occurred, were fixed by the Collector personally with due regard to the amount of the arrear, the number of previous defaults and the delay after the last day of payment in tendering the arrears. Government are satisfied that the enforcement of punctual payment is ultimately in the interests of the small landholders concerned and are satisfied that there has been no unnecessary hardship.

In the case of some large estates Government have been informed that defaults have been deliberate, and that in the absence of substantial penalties they would be profitable to the defaulters.

Removal of disqualification of certain bodies in elec... ... ...
to the Bengal Legislative Council.

55. Babu AMULYA DHONE ADDY: (*a*) Has the attention of the Hon'ble the Member in charge of the Appointment (Legislative) Department been drawn to the disqualification of a firm or body of individuals other than a joint family in election of members to the Bengal Legislative Council?

(*b*) If so, will the Hon'ble the Member be pleased to state whether the Government are considering the desirability of taking the necessary steps for removing the said disqualification in time for the next Council election?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) The reply is in the affirmative.

(*b*) The reply is in the negative.

Polling stations in the 24-Parganas.

56. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the ... charge of the Appointment (Legislative) Department be ... fer to the facts disclosed in the answer to my unstarred ... 4 of the meeting of the 1st April, 1921, and state whether ... or is prepared to issue necessary orders for increasing the ... polling stations in the 24-Parganas at the next general ...

... ble Sir ABD-UR-RAHIM: Orders will issue in due course ... officers to provide as many more polling stations as pos... the limits of their resources, in the constituency referred ... in others similarly circumstanced.

Selection of sites for polling stations.

... **NALINI NATH ROY:** Will the Hon'ble the Member in ... the Appointment (Legislative) Department be pleased to ... is the procedure for the selection of sites for polling st... general election for the Bengal Legislative Council?

The Hon'ble Sir ABD-UR-RAHIM: Under the electoral regulations the returning officer selects sites for polling stations and he is instructed to provide as many as possible, having regard to the number of presiding officers available with a view to enable voters to record their votes near their homes.

Recommendations of the Jails Committee.

58. Dr. A. SUHRAWARDY: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state whether the Government are considering the desirability of giving effect to the following recommendations of the Jails Committee:—

(*i*) that the designation of Assistant Jailor be changed to Deputy Jailor;

(*ii*) that the pay of the Deputy Jailors should be raised from Rs. 75 to Rs. 150 on a time-scale;

(*iii*) that the pay of Jailors should be not less than Rs. 200 and should rise at least to Rs. 450 on a time-scale; and

(*iv*) that the Jailors should be gazetted officers?

(*b*) Will the Hon'ble the Member be pleased to state whether it is a fact that the work and responsibility of the Jail Service has considerably increased recently?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) The consideration of these recommendations has been held in abeyance pending the improvement of the financial position.

(*b*) Yes.

Non-official Members' Bills.

The Bengal Village Chaukidari (Amendment) Bill, 1923.

Babu INDU BHUSHAN DUTTA: I move that the Bengal Village Chaukidari (Amendment) Bill, as introduced by me, be taken into consideration. This is the Bill: Whereas it is expedient——

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): I do not think that it is necessary to read the whole Bill, because it has already been introduced and all the members have got a copy of it.

Babu INDU BHUSHAN DUTTA: May I have the permission to make one verbal alteration?

Mr. PRESIDENT: It remains to be seen what you mean by "verbal."

Babu INDU BHUSHAN DUTTA: In clause 2 I find a statement as to the number of chaukidars *for a village*, and in the second paragraph the words "for a village" have been omitted.

Mr. PRESIDENT: You can bring that forward when your motion for the consideration of the Bill has been accepted. At the present moment, it is in the air.

Babu INDU BHUSHAN DUTTA: All right, Sir. I find some difficulty in moving this Bill to-day, because in the agenda paper that was circulated to us, it was tabulated for the 5th, and as I was unable to be present yesterday, owing to ill-health, only this morning I saw in the papers that I would be called upon to move this Bill to-day. So, I am afraid I have not been able to get as much ready with the materials of this Bill as I might have wished. I hope that the members will kindly excuse me, if I fail to supply as much details as I would wish.

It may be in the recollection of the members of this Council that in August last, a Chaukidari Amendment Bill was passed, which provided that the salaries of chaukidars should be determined by the panchayets and not by the District Magistrates as before. I beg to submit that the natural corollary of that Act is that the number of chaukidars to be appointed for a particular village should also be [illegible] by the panchayet of the village and not by the District [illegible]. The main principle underlying the amendment which [illegible]ed by this Council, in spite of the strenuous opposition of [illegible]t, was this:—that he who pays the piper shall call for the [illegible]. He who pays the taxes shall have his representative to [illegible]now the taxes should be spent. This principle being once [illegible]d the House, I think that its corollary should also be [illegible]. The House decided that the salary of the chaukidar should [illegible]ed by the panchayet, and that being so, I do not see any [illegible]. the panchayets should be deprived of the right of deter[illegible]t the number of the chaukidars should be. The panchayets [illegible]e the responsibility of finding the money. There is a limit [illegible]y that they can raise. Therefore, it is necessary for them [illegible]umber of chaukidars, lest the chaukidars' pay bill should [illegible]mount that can be levied.

[illegible]iginal Chaukidari Act of 1870, it was provided that the [illegible] chaukidars should be determined by the panchayet and [illegible] Magistrate. After working this Act for nearly 22 years, [illegible]pon the Government to change that salutary principle. [illegible]ed in vain for any serious consequences that arose out of

the old Act. Yet the Government in 1892, changed the old Act and substituted the Magistrate in place of the panchayet. I do not know whether that was the beginning of the "steel frame" theory, but the fact remains that in spite of the smooth working of the old Act the power was wrested from the panchayet, and placed in that inflexible steel frame, whose inflexibility should continue no longer. As I said before, this Council decided, in August 1922, that the old order must change. I beg to ask the Council again to-day that they should stick to their own decision and say that the number of chaukidars should be determined by the panchayet and not by the District Magistrate.

This Bill has been fairly widely circulated among Government officials, and from the reports that have been sent in, I am glad to say that I do not find any very serious opposition. The Commissioner of the Burdwan Division, agreeing with only one Magistrate out of five, says something against this Bill. The other four Magistrates of his area agree that the Bill is quite innocuous and might be accepted by Government. Some of them say that this Council having once accepted the theory that the salary of the chaukidars should be fixed by the panchayets, there is no going back on it and they must follow and say that the panchayets should also determine the number of chaukidars. Only the Commissioner of the Presidency Division has been pleased to raise the bugbear of non-co-operation against this Bill. It seems to me that when there is no serious argument against the Bill, an appeal to the dangers of non-co-operation is always a safe card to frighten the people with. I think that this Council will agree that it is a significant fact that the Commissioners of Chittagong, Dacca and Rajshahi Divisions, who know more about non-co-operation than the other Commissioners, have also supported my Bill, and have said that Government might easily accept it.

Then, Sir, among the non-official bodies that have sent in their opinions, I find that one association has suggested that it is a piecemeal legislation and need not have been taken up now. I admit that it is a piecemeal legislation, but what are we to do? The Village Chaukidari Act is still in the Statute Book. Though the Village Self-Government Act was passed in order to supplant it, the process of reform has been very slow. For some years to come, we must have the old Chaukidari Act to work with in many parts of Bengal. We must, therefore, improve it. Moreover, if Government could amend it by piecemeal legislation in August, 1922, we cannot leave that amending Act half-finished. We must bring that to its logical conclusion by leaving the number of chaukidars in the same hands as will determine their salary.

Then, Sir, a point has been raised that if the panchayets are allowed to determine the number of chaukidars, the Magistrate, who is responsible for the maintenance of law and order of the district, will be

powerless to keep law and order in the country. I am afraid, Sir, we have had too much of law and order. I think that the Magistrate has already got absolute powers to preserve law and order. Why should we distrust the people and their panchayet so much? Have they no stake in the country that they should ever go on breaking law and order? But, conceding for a moment that the services of chaukidars are absolutely necessary for the preservation of law and order, may I answer this question by asking another question—if the Magistrate were to decide to appoint more chaukidars, how could he do it in the face of the fact that the panchayets have the power under the new Act to refuse to pay the salaries of the chaukidars? This Council has given the presidents of the panchayets practically the right to oppose by saying that they shall determine the rate of the salary. Now they being the masters of the purse, how could the Magistrates increase the number of chaukidars? Therefore, I think that this argument of depriving the Magistrate of the power of preserving law and order is absolutely futile. As soon as you have given the panchayets the right of fixing the pay of the chaukidars, you must necessarily give them the power of determining the number of chaukidars. They cannot be asked to raise unlimited funds to pay for any number of chaukidars that a nervous Magistrate may care to appoint.

Now, Sir, as regards the work of the chaukidars, it is well known to many members of this Council, who come from villages, that they are nobody's servants because they are everybody's servants. The ... are the servants of the panchayet, they are the servants ... Magistrate, they are the servants of the Superintendent of Police, ... are the servants of every Government officer that happens ... through that village. It is said that no one can serve two ... How can anyone, then, serve so many masters? Therefore, ... hence, we find that if we want to increase the efficiency of ... chaukidars, if we want to have an efficient set of men, who will ... the work of watch and ward, we must give more responsible powers ... panchayets, who ought really to control them. Complaint has ... been made by many panchayets that these chaukidars are only part-... Their full services cannot be utilized and hence they are ... inefficiency. It has been suggested by many panchayets that ... services, if their number were reduced, their pay could be ... increased and a set of efficient, hard-working chaukidars could be ... made to do very good police work, watch work, and other work ... than the lot of the ordinary chaukidars. In view of this, I ... think the amendment suggested by me would not only increase ... the work of law and order, about which Government is so anxious, ... but also increase the safety and security of the people living ... in villages. I, therefore, beg to propose that this amending Bill ... be taken into consideration.

SHAH SYED EMDADUL HAQ delivered his speech in Bengali in support of the motion, a translation of which is as follows:—

I claim to possess a special knowledge of rural matters as I am a villager. Everybody will admit that peace in the village is maintained at the cost of the villagers themselves, and it is for the purpose of maintaining peace in the village, that the chaukidars are employed; so it is desirable that the determination of the numerical strength of these chaukidars should be vested in the hands of the villagers themselves. It is extremely undesirable on the part of the Government to keep the powers paramount in their hands in this direction. During the time of the Hindu monarchy in this country, one-sixth or one-eighth portion of the crop-produce was set apart for the purpose of maintaining peace. Lord Cornwallis expressed his desire that the cost of chaukidari should be met from the stamp revenue, but eventually it was decided that this should be borne by the villagers, and these chaukidars who are maintained at the cost of the villagers have to run to the Deputy Magistrates, Inspectors, etc., in connection with matters appertaining to their regime, as a result of which Government find it imperatively necessary to increase the numbers of the officers. It is impossible for one chaukidar to serve so many masters at a time. The Government can maintain any number of officers for their own work, but I ask whether it is not disgraceful that the same work should be done by the chaukidars who are paid by the villagers. Are not the villagers less better off than the inhabitants of the municipalities? The Government pay for the salaries of the constables in a municipal area, and they do not feel the least hesitation to swell the numbers of the chaukidars at the cost of the indigent inhabitants of the village. I need not take up the time of the Council. I would only conclude by saying that I support the motion.

Rai MAHENDRA CHANDRA MITRA Bahadur: I beg to support the provisions of the amending Bill. When the Act of 1870 was in operation, the people understood the position of the chaukidars; but unfortunately there was an amending Act which gave limited powers to the panchayets to determine the number of chaukidars. Well, Sir, it appeared to us at the very time that the latter Act was a retrograde movement on the part of Government. When we got another Act, the Village Local Self-Government Act, we noticed that the Government were willing to have a number of unions over which the people will have a controlling authority. The question therefore arose in many places what powers the panchayets had with regard to determining the number of chaukidars. Now, the salaries of these chaukidars are to be paid by the panchayets. That is a correct proposition of fact. It is contended that when the Legislature has transferred the initiation of such an authority to the panchayet, is it not fair for the Legislature to consider that the determination of the number of

chaukidars should be left in the hands of the panchayets. Now the number of chaukidars is to be calculated upon the amount of tax to be realised. Who is the best authority to settle the matter? If Rs. 200 are collected by the panchayet, the panchayet is in a better position to understand how many chaukidars are to be employed, but to say that the Magistrate, who would in this connection be a stranger should have the power to fix the number of chaukidars, is a proposition which is not a correct one. You have your own funds; you appoint chaukidars and you ought to settle the number of chaukidars who may be employed. It would be strange if another person were to determine the number of chaukidars. In this view of the matter it appears that it is quite clear that the Bill is an improvement on the subject. I have been daily receiving the opinions of many persons who say that law and order cannot be maintained if the Magistrate has no authority in this connection. I consider that it is not correct logic at all. I have always advocated the proposition that there should be a harmonious feeling between the people and Government, between the Magistrate and the panchayet and local bodies. Why should we anticipate that law and order cannot be maintained by the Magistrate if the power of determining the number of chaukidars were transferred to the panchayets. The principle has been advocated everywhere and Government are willing to do that, but it is a strange proposition to press upon the attention of the country and Government, that the Magistrate will not be in a position to maintain law and order. Again, it is said that even if there be an epidemic or any accident, the Magis- [illegible] will not be responsible if the number of chaukidars required is [illegible]ger one. My submission to the Council is that if such an [illegible] to occur, it would be the solemn duty, it would be the [illegible]duty, of the panchayet and other local bodies to take into [illegible] whether a larger number of chaukidars is to be employed [illegible]is purpose. We are in a position to meet all the adverse [illegible]hich have been placed before the country. I can say this, [illegible]ton'ble Members will consider the merits of the case, I [illegible]here will not be a single dissentient voice in this Council; [illegible]pose that there will be any objection to the transfer of [illegible] on the part of Government. With these words I beg to [illegible]ill.

[illegible]ble **Mr. H. L. STEPHENSON:** I am not deterred by the [illegible]s eloquence from rising to oppose this motion, and I would [illegible]ncil to consider merely the Bill that is before them and [illegible] of consideration the various side-issues that have been [illegible] Rai Bahadur and by the mover of the Bill himself. This [illegible] to alter only one section of the Chaukidari Act. Sec- [illegible]ent provides that the District Magistrate shall determine [illegible] of chaukidars in any village subject to a proviso as to the

number of houses. It is now proposed that the panchayet shall determine the number of chaukidars, subject to the approval of the Magistrate. I have looked into the statement of objects and reasons and I have listened in vain to the hon'ble mover's speech for any reasons for inviting the Council to undertake legislation on this point. The statement of objects and reasons says that the alteration is necessarily desirable. I waited to be informed by the hon'ble mover how the alteration was necessarily desirable. The mover has put forward as an excuse that he was not aware that the Bill was coming on to-day, and so far he is entitled to the benefit of that excuse; but surely before a member introduces a Bill into this Council and asks this Council to go to the expense of printing the Bill, he should know why he introduces it. There is no necessity for waiting till the morning of the day on which he is moving to make up his arguments for it. Now, Sir, there has not been a single suggestion that this Bill is going to meet any need or to redress any grievance. The hon'ble mover has not suggested for a moment that there is any hardship under the existing law. At present the Magistrate fixes the number of chaukidars —no one has said that there is any tendency on the part of Magistrates to increase the number of chaukidars or that there is any crying evil that has got to be remedied. Suppose we pass this Bill, what is going to be the position? The panchayets cannot reduce the number of chaukidars. *Ex hypothesi* there is no tendency on the part of the Magistrate to increase them. Therefore things will remain precisely as they are.

If the Bill is passed pressure will be put upon the panchayet to urge the Magistrate to agree to a decrease in the number of chaukidars, and if the Magistrate does not agree, there will be friction between him and the panchayet. Therefore Sir, harm will be done. Secondly, unless the responsibility for the prevention of crime is taken away from him, the District Magistrate will certainly not agree to reduce the number of chaukidars even when he considers it possible to do so, if he has not the power to increase the number should subsequent events make it necessary. Therefore the present position will remain stabilised. This, I think, is the explanation of the fact to which the mover has referred with some pride, namely, that the people who have been consulted—officers of Government and others—have on the whole supported the Bill. What they have said is that Government might accept the Bill and anybody reading these opinions will, I think, find that the support given to the Bill is rather half-hearted. Practically they say that the Bill will not do much harm. But, as I have said, there is some harm going to be done and no good. The passing of the Bill will not alter facts at all. I put it to the Council that it is not in consonance with the dignity of the Council to pass measures which are not intended to redress a grievance or supply a crying need. I submit to the Council that it is a

very dangerous thing to tamper with the statute book by amending individual sections of individual Acts, and it is, I think, incompatible with the responsible position of the Council to take up legislation of this kind merely on the ground that it is going to add to the symmetry of the Act. I will come later on to this point, but I maintain that it is not even defensible on the grounds of symmetry. On these grounds I submit that it is wrong for a responsible body of legislators to waste their time and labour in discussing a Bill which is only advanced for the reason that it will add to the symmetry of the statute. Then, Sir, apart from that I would ask the Council to consider that piecemeal legislation of this kind is very expensive. If this amendment of the section is passed, every copy of the Act that is in the hand of every officer has got to be altered and to be reprinted. The expense in the matter of printing, postage and paper will be considerable. On this point I would ask the Council to consider the views of the Indian Association, with which I heartily agree, on the subject of piecemeal legislation of this kind.

Then, Sir, coming to the one reason which the mover has given for introducing this Bill and for taking it into consideration, it is because in August last the House passed an amendment to a different section of the Bill—section 12. Well, Sir, that amendment was passed to meet an urgent need. I explained at the time that it was absolutely necessary in the interest of the chaukidari administration that the maximum salary of a chaukidar should not be fixed. Now, Sir, this Bill has no necessity of any kind—urgent or otherwise. There is. Sir, a great difference between fixing the rate of salary of chaukidars, and their number. The House decided that the fixing of the rate should be left to the panchayet with the approval of the District Magistrate. On this point I fail entirely to grasp the logic of the argument when he says that if we do not pass this Bill, the panchayet already the power of the purse can decline to pay the chaukidari dues. The panchayet has no power of the purse in this matter. All that the panchayet can do is to fix, with the approval of the District Magistrate, the rate of salary. I would ask the House to look at the opinion of the Central Muhammadan Association on this Bill. I think they have grasped very clearly the difference between this amendment and the one which the Council passed last August. The District Magistrate is responsible for the peace of the district. The chaukidari force is part of the provincial police force. If you are going to withdraw from the Magistrate the final voice in the decision as to the strength of that force, then logically you ought to take away the responsibility which goes with that power. That it is not proposed to do. I would ask the House to decline to take this Bill into consideration—firstly, because it is on an entirely different principle to that we passed last August, secondly, because no necessity has been established for the consideration of the Bill, and thirdly,

because it is wrong to waste the time and labour of a responsible legislative body in discussing a measure which is going to do no good to the public.

Babu KISHORI MOHAN CHAUDHURI: I rise to support the Bill and I think my other colleagues will also do so. I carefully listened to the arguments put forward by the Hon'ble Mr. Stephenson, but I cannot agree with him that there is no necessity for it. It is a matter of local concern and I think the people should be left to determine in what way they can do it best. If the District Magistrate has to do a thing, he has to do it upon the report of the police, who, in turn, get their information from chaukidars. So if any decrease in the number of chaukidars is thought necessary, certainly chaukidars are not the persons to suggest it and, in order to see everything for himself, the Magistrate has to visit every place. If it is thought necessary to increase the number of chaukidars to maintain peace and order under certain circumstances, the Panchayet will certainly do so. At the same time it will be in their power to decrease their number in order to avoid waste of money. Also, if the District Magistrate thinks it proper, he can call on the punitive police for the maintenance of law and order. So there will be no difficulty on the part of Government to maintain law and order and no friction between the panchayet and the police officers.

In these days of self-government people should be trusted to do things for themselves, and it is a necessary corollary to the changes proposed in section 12 that the wages and the number of chaukidars should be determined by the panchayets. I see no harm in doing so. I have seen the opinions on this Bill. The majority are in favour of the acceptance of the amendment. I am sorry that some of our countrymen, Government officers, and others, have opposed it, including the Secretary of the Central National Muhammadan Association, who, I believe, is a retired Government officer

The Hon'ble Mr. Stephenson says that piecemeal legislation is not desirable or is rather dangerous, as some amount of money is wasted on papers, printing and so forth, but the expenditure will be very little. The chief item of consideration is that it is in the best interests of the villagers that they should have the power of determining the number of chaukidars for themselves. So if they think that such a change is necessary, this change should be made and they should be allowed to insert the amendment. They will not needlessly act in opposition to the views of the Magistrate, and I think Government should not oppose but accept the Bill.

Mr. SYED NASIM ALI: I rise to support the motion of Babu Indu Bhushan Dutta for taking his Village Chaukidari Amendment Bill into consideration. I have heard the arguments which have been

advanced on behalf of Government in opposition to the Bill. To me it seems that Babu Indu Bhushan Dutta has set down before the Council for discussion a very important question of policy and this Council will have to decide the question of policy in this very Bill.

There are two points of view from which this Bill should be considered. Firstly, as the Government Member has pointed out, the District Magistrate is responsible for the maintenance of law and order in the district. The chaukidari force is a part of the provincial force; therefore the District Magistrate must have this power. This is the argument, or the sum and substance of the argument, on behalf of Government. On the other hand, I think that Indu Babu's position is that as a member of the reformed Council, he wants to see the task of governing the country gradually made over to the people of the country. He demands that we must be considered to be fit at least to a certain extent for determining how many chaukidars are necessary to maintain peace and order in a particular village or villages. If it is said that the people or the panchayet have not acquired the capacity to decide for themselves the number of chaukidars necessary for the maintenance of law and order, how can the same people be entrusted with *swaraj*, with the task of governing themselves, I fail to understand? Sir, we are now promised *swaraj* in the nearest future. We have got to gradually acquire the power of ruling the country for ourselves. If that is not simply a desire on the part of our rulers, if that is not a mere hoax, I should say, then the time has come when small beginnings must be made, and these small beginnings must be made from the corners of the villages. If ... small matter like this, namely, the determination of the n... ...aukidars necessary for finding out, for instance, if any-b... ...g another's plantain, you cannot leave the whole thing in ... - hands, how can you give them self-government? It is al... ...nly there is another aspect of the question. The Dis-tr... ..., being the administrative head, must have some sort of ... this matter; therefore there is a proviso in the Bill na... ...ect to the approval of the District Magistrate." It is a ... ...eguard. In view of the fact that ours is a reformed Co... ...nning, however humble, must be made, and I think th... ...sity which must have prompted the introduction of the Bi... ...ernment Member said that no necessity was pointed out. I ... ...essity is the extension of the Reforms.

...ADA CHARAN DUTTA: The Chaukidari Act itself is a ... ...under it the chaukidars are appointed by one person, and ... ...olice, and the panchayets have got to realise money for pay ... ...lary and they are held liable for the same, and their pro... ...ttached if they fail to collect money for the pay. At the ... the chaukidars are to be considered as parts of the

police force. Their function apparently is to report what occurs in the village; but, to put it briefly, it is chiefly "espionage." This is the peculiarity of the Village Chaukidari Act. After working it for so many years—close upon half a century—the eyes of the people have been opened. The panchayets, though ostensibly the masters of the chaukidars, as representatives of the villagers, beyond being required to collect money for paying the chaukidars, are given absolutely no power over their services. Is it meet and just that the people who offer voluntarily their honorary services in this direction should not be given any power to determine the number of the chaukidars or to fix their salary; and I would go one step further—to appoint them? Though the discussion in the Council this evening has clouded the real issue, the aim of this Bill seems to be the transference of some power to the villagers through the panchayets, namely, that they should have a voice in determining the number of the chaukidars. The chaukidars would also then feel that the panchayets were their real masters. So there cannot be any objection to this transference of power, and I would therefore urge the acceptance of this Bill.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I have heard much eloquence about this question, but when I look at it I find that the provisions of the Act are very innocuous, and, I may say, infructuous. The amended section says that the present number of chaukidars should continue to remain the same until altered. Now, the number can be altered only with the approval of the District Magistrate, because section 11 says that the panchayets should determine the number of chaukidars, subject to the approval of the District Magistrate. Therefore, it is clear that no change can be made without the approval of the District Magistrate, and the change now proposed is absolutely futile. If the words "subject to the District Magistrate's approval" were omitted, then it would be something; but, as it is, nothing can be done according to the proposed amendment. But I must say that there is reason in favour of Mr. Dutta's amendment. It is not true to say that there is no reason or necessity for this Bill; there is good reason for it. It was very refreshing to hear Mr. Nasim Ali speaking of *swaraj* and waxing eloquent on the eve of a general election. He rejoices over the fact that the panchayet is to be given the power of self-government, but Mr. Dutta does not propose that. He proposes a measure which is wholly infructuous and futile; therefore any talk about *swaraj* is mere moonshine.

Babu NIRODE BEHARY MULLICK: I rise to oppose this Bill. The proposed amendment appears to me to be repugnant to the spirit of responsibility. You are holding the Magistrate responsible for law and order, but at the same time you are going to deprive him of the means by which he can maintain peace and order. Now, take the case

of a limited company. If the directors insist on doing away with certain posts against the wishes of the managing agents, will the managing agents be in a position to discharge their functions? The next point is that this power has not been given to the union boards, and therefore if this power is given to the panchayet, the position will be anomalous. In this view, I oppose the Bill.

Babu SURENDRA NATH MALLIK: I do not see what objection there can be to this extension of a little power to the villagers, in matters which are absolutely their own—the appointment of chaukidars, the determination of their number, and things of that kind. I think there is no reason why Government should be jealous in such matters. Allow us to grow in responsibility—even under the superintendence of your District Magistrates and other officers, but give us the chance to grow. Do not object to these things. Give us a trial. See how it works. The world will not come to an end to-morrow if you give us this small power. Let the villagers select their own chaukidars, let them have the power to fix their pay and to determine their number, let them make their own arrangements in these matters This should be considered the proudest day for the Government—the proudest work that England is doing in this country. Give us a helping hand. Allow us to develop responsibility in our own village, affairs and civic life. If you are not prepared to do that, then certainly the charge can be laid at your door that you have not done what Providence sent you here for.

Babu INDU BHUSHAN DUTTA: I am afraid the Hon'ble M[illegible] charge did not listen to my speech with any great care; o[illegible] would not have said that I did not give any reason for i[illegible] this Bill. If he had heard me carefully, he would have f[illegible] of the reasons I gave, was that in order to increase the e[illegible] the chaukidars, the panchayets should have the power to d[illegible] r number. I also said that in the spirit of the Reforms, i[illegible] ely necessary to transfer this power to the representatives o[illegible] . As my friend, Babu Surendra Nath Mallik, with his u[illegible] e, has said, how can you refuse us this small power; w[illegible] anxious for this supposed law and order which always a[illegible] face like a bugbear. The smallest panchayet has a g[illegible] in the country than any District Magistrate, and surely i[illegible] o his interest than anybody else's to maintain law and o[illegible] u not trust him with this simple power—and mind, t[illegible] the supervision of the District Magistrate? If I had my o[illegible] ould have suggested no control of the Magistrate; but k[illegible] oo well the moderate tone of this Council I have kept a saf[illegible] eeping the words "subject to the approval of the Magistra[illegible], then, is your danger? Surely it is high time, after

three years' working of the Reformed Council, that we should be allowed this small power. We can take some responsibility for law and order in the villages. Surely, it is a travesty of fact to suggest that people in this country are anxious to disturb the law and order of this country, but that is the attitude taken by Government! I think it is a great insult not only to this Council but to the people of the country to suggest that law and order will be jeopardised under the village panchayets even under certain safeguards that are provided in my amendment. It is well known to the members of this Council that the chaukidari tax is one of the most unpopular taxes that have been levied in any country in the world. It is known that by the amendment which was carried in the Council in 1922, power was given to increase the pay of the chaukidars. But how are the poor panchayets to find the money? They must either increase the chaukidari tax, which is the most unpopular tax, or reduce the number of the chaukidars. By reducing the number they will not only find the money to pay the chaukidars, but will be able to increase their pay as well. I explained in my previous speech that these chaukidars are only part-time servants and do not do their duty properly. Let us have whole-time chaukidars, so that we may get as much service from them as we want. I hope the Council will remember that if they are to march with the spirit of the times, they must demand this privilege from the Government.

The Hon'ble Mr. H. L. STEPHENSON: I would only wish to make my attitude quite clear. When I mentioned the question of law and order I merely introduced that at this stage to show that this was not the same question as we were discussing last August. There it was the rate of salary; here it is the number. My attitude, the attitude of Government, in this matter is that of Rai Jogendra Chunder Ghose Bahadur, viz., that this Bill does no good, and therefore it is not right that this House should take up its time in considering a Bill which, if passed, can do neither harm nor good, and it is wrong to amend an individual section of an individual Act in this way unless there is some good to be got out of it.

The motion being put, a division was taken, with the following result:—

AYES.

Afzal, Nawabzada K. M., Khan Bahadur.	Ali, Munshi Amir.
Ahmed, Khan Bahadur Maulvi Emaduddin.	Ali, Munshi Ayub.
Ahmed, Khan Bahadur Maulvi Wasimuddin.	Arhamuddin, Maulvi Khandakar.
Ahmed, Maulvi Asaharuddin.	Azam, Khan Bahadur Khwaja Mohamed.
Ahmed, Maulvi Rafi Uddin.	Banerjea, Dr. Pramathanath.
Ahmed, Maulvi Yakubuddin.	Banerjee, Rai Bahadur Abinash Chandra.
Ahmed, Munshi Jafar.	Basu, Babu Jatindra Nath.
Alley, Mr. S. Muhboob.	Bhattacharji, Babu Hem Chandra.
Ali, Mr. Syed Nasim.	Chaudhuri, Babu Kishori Mohan.

Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, Rai Harendranath
Choudhury, Khan Bahadur Maulvi Rahmatjan.
Chowdhury, Maulvi Fazlal Karim.
Cohen, Mr D. J.
Das, Babu Shishmadev.
Das Gupta, Rai Bahadur Hiharan Chandra.
De, Rai Bahadur Faniindralal.
Dees, Rai Bahadur Pyari Lal.
Dutt, Mr. Ajoy Chunder.
Dutt, Rai Bahadur Dr. Haridhan.
Dutta, Babu Annada Charan.
Dutta, Babu Indu Bhushan.
Ghose, Rai Bahadur Jogendra Chunder.
Haq, Shah Syed Emdadul.
Huq, Maulvi Ekramul.
Hussain, Maulvi Mahammed Madassur.
Janah, Babu Sarat Chandra.
Karim, Maulvi Fazlal.
Khaitan, Babu Debi Prosad.
Khan, Babu Debendra Lal.
Khan, Maulvi Hamid-ud-din.
Khan, Mr. Razaur Rahman.
Makramali, Munshi.
Mallik, Babu Surendra Nath.
Mitra, Rai Bahadur Mahendra Chandra.
Moitra, Dr. Jatindra Nath.
Mukherji, Professor S. C.
Mukhopadhaya, Babu Sarat Chandra.
Nasker, Babu Hem Chandra.
Raikat, Mr. Prasanna Deb.
Ray, Babu Bhabendra Chandra.
Ray, Babu Surendra Nath.
Ray, Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. Krishna Chandra.
Ray Choudhury, Raja Manmatha Nath.
Ray, Babu Jogendra Nath.
Roy, Maharaja Bahadur Kshaunish Chandra.
Roy, Mr. Sijoyprasad Singh.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy, Raja Manilal Singh.
Sarkar, Babu Jogesh Chandra.
Sarkar, Babu Rishindra Nath.
Sinha, Babu Surendra Narayan.
Villiers, Mr. F. S. E.

NOES.

Banerjea, the Hon'ble Sir Surendra Nath.
Barton, Mr. H.
Birley, Mr. L.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
De, Mr. K. C.
DeLisle, Mr. J. A.
Dey, Mr. G. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Duval, Mr. H. P.
[illegible], Mr. T.
[illegible]r. J. Campbell.
[illegible] W.
[illegible] W. W.
[illegible] Mr. G. T.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Marr, Mr. A.
McAlpin, Mr. M. C.
McCay, Lt.-Col. David.
Miller, the Hon'ble Mr. P. C.
Mukerjea, Mr. S. C.
Mukherjea, Babu Nitya Dhen.
Mullick, Babu Nirode Behary.
Philip, Mr. J. Y.
Rahim, the Hon'ble Sir Abd-ur-.
Robertson, Mr. F. W.
Rose, Mr. G. F.
Roy, Mr. J. H.
Shakespear, Mr. W. A.
Stephenson, the Hon'ble Mr. H. L.
Stuart-Williams, Mr. S. C.

...es being 63 and the Noes 31, the motion was carried.

CLAUSE 1.

...ion that clause 1 stand part of the Bill was put and agreed

CLAUSE 2.

...NDU BHUSHAN DUTTA: I beg leave to make a verbal ...n this clause. I move that after the word "employed" ... "for any village" be inserted; that will make it clearer ...ent.

...ion was put and agreed to.

The motion that clause 2 (as amended) stand part of the Bill was then put and agreed to.

The motion that the preamble stand part of the Bill was put and agreed to.

Babu INDU BHUSHAN DUTTA: I move that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

The Bengal Village Self-Government (Amendment) Bill, 1923.

SHAH SYED EMDADUL HAQ moved that the Bengal Village Self-Government (Amendment) Bill, 1923, as introduced by him, be referred to a Select Committee consisting of the Hon'ble Sir Surendra Nath Banerjea, Mr. L. Birley, Mr. S. W. Goode, Mr. Bijoyprosad Singh Roy, Raja Manilall Singh Roy, Rai Abinash Chandra Banerjee Bahadur, Maharaja Kshaunish Chandra Roy Bahadur, Raja Manmatha Nath Ray Choudhury, Babu Nirode Behary Mullick, Babu Tankanath Chaudhuri, Maulvi Mahammed Madassur Hussain, Maulvi Fazlal Karim, Khan Bahadur Maulvi Emaduddin Ahmed, Khan Bahadur Maulvi Wasimuddin Ahmed and the mover, with instructions to submit their report in time for its consideration by the Council at the next August session.

He addressed the Council in Bengali, a translation of which is as follows:—

The Bengal Village Self-Government (Amendment) Bill, 1923, has been published in the Gazette and circulated to the members of this Council. Opinions have also been invited from various public bodies, and those opinions placed before the members. It is not my intention that this Bill should at once be passed into law. On the contrary it is my earnest desire that the Bill be fully discussed in the Select Committee.

[At this stage, the Hon'ble the President left the Chair, which was taken by Mr. Deputy-President.]

In clause 3 it is highly desirable and necessary that an opportunity should be given beforehand to the President or the Vice-President of a union board, who is removed from office under section 16 of the Act, to explain the charges preferred against him; that the President should have a right of appeal so as to meet any charges that may have been brought against him; and that the local board, and in the event of the dissolution of the local board in future, then the district board, should have the power to remove a Vice-President instead of the union board. In dealing with matters under section 21 of the existing Act, the power

of the union board should be increased. The removal of the plague of water-hyacinth is deemed necessary under section 27. An amendment of section 32 is also desirable in order to provide for the engagement of the services of medical practitioners by union boards. In clause 7 of the Bill, I have provided for the right of appeal to the district board by those officers and servants who have been removed from office. Clause 8 suggests an amendment to the effect that if there is no holding in the union, but there is estate or portion of the lands, this can be assessed according to the income derived therefrom. Clause 9 provides that the assessment of a person who has lands in two or three unions, should not exceed Rs. 42 for each union. The insertion of the words "who possesses less than one and one-fourth acre of land" in this clause is also desirable. One-fifth of the road cess collected from each union should be made over to the union board for works of sanitation, irrigation, etc., and this has been provided for in clause 11 of the Bill. In order to make the meaning of section 58 more clear, I have suggested a small verbal amendment in clause 12, and clause 13 provides for an appeal against an order by the Commissioner under section 56 or 59.

I have dealt with all the clauses in which amendments are suggested. I hope I have impressed upon the House the desirability of placing this Bill before a Select Committee.

Mr. BIJOYPROSAD SINGH ROY: I move that the Bengal Village Self-Government (Amendment) Bill, 1922, as introduced by me, be referred to a Select Committee consisting of the Hon'ble Sir Surendra Nath ..... Mr. L. Birley, Mr. S. W. Goode, Raja Manilall Singh Roy, ... h Chandra Banerjee Bahadur, Maharaja Kshaunish Chan..... ..hadur, Raja Manmatha Nath Ray Choudhury, Babu Nirod..... ..allick, Babu Tankanath Chaudhuri, Maulvi Mahammed Mada..... ..n, Maulvi Fazlal Karim, Shah Syed Emdadul Haq, Khan..... Maulvi Emaduddin Ahmed, Khan Bahadur Maulvi Wasi..... ..med and the mover, with instructions to submit their repor..... ..its consideration by the Council at the next August sessio.....

In..... ..s motion, I beg to remind the House that it was on the t..... ..that I sent notice of this Bill and thus anticipated the ....ubers—I mean my esteemed friends, Rai Harendranath ..... and Babu Bhishmadev Das, who take some inter..... ..evelopment of self-government in rural Bengal; and by m..... ..tions on the 23rd of November last, urged the necessity ....lment of the present Act. I wish that it were possible f..... ..odify this Bill, according to the suggestions made by the ..... the course of the debate. But as it was already forw..... Government of India for sanction, no change could

be effected at that stage, though I think some of the principal suggestions, formulated on that occasion, were already embodied in the Bill. It was introduced in this House on the 25th of January last. Over six months have elapsed since then and, during this interval, the Government, the officials and the non-officials, the members of the district boards and the public bodies responsible for the development of local self-government have had time to examine the provisions of the Bill. The Hon'ble Members have received the copies of the opinion of the district boards and are aware of the attitude of the public towards it. I believe it is abundantly clear that public opinion is in favour of most of the changes, suggested in it. Of course, there are one or two sections which have not been approved by the district boards. In this connection, I may be permitted to mention that it is not intended that all the clauses of the Bill are indispensable, and I shall be very glad to welcome any modification made by the Select Committee, in the light of the helpful criticisms offered by the district boards.

The present Act was placed on the Statute Book about five years before, after a careful deliberation, in which the Government of Bengal was helped by the Hon'ble Sir S. P. Sinha (now Lord Sinha), then a Member of the Government. This Bill was introduced by its illustrious author with the best of intentions and the highest of hopes. I am glad to think that it has fulfilled, though not fully, at least partially, the great expectations which were cherished about this new system; because I believe it has succeeded in kindling an enthusiasm for self-government in rural Bengal. It has taught the people in the mufassal to take pride in the working of village improvement and to fight for their rights and privileges. I remember, and remember distinctly, that the gentlemen who accepted the Presidentships in the Burdwan district in the year 1906 or 1907 were nothing but themes of criticisms and butts for ridicule. But what is the feeling to-day? President panchayetships and membership in the union boards are now looked upon as positions of trust and responsibility. But in spite of its lofty principles, and in spite of its great educative value in initiating the people in the art of self-government, we cannot blink at the fact, that the system introduced by this Act of 1919 is not working quite satisfactorily throughout the province. In some place, the people have practised generous self-control and, being animated by a high sense of duty and responsibility, have tried to the best of their ability to make the best use of this new machinery of village self-government. But in other places it has not been so well-received by the people and it has given rise to serious troubles which have disturbed the peace of village life. I venture to think that the Act in some respects falls far short of the more advanced idea of civil rights of the people; it often places too much restraint on the freedom of action of the union boards. Official interference always disturbs the free

growth of these self-governing institutions and, instead of fostering a sense of self-respect and self-reliance in the mind of the people, rather checks it. For these various reasons there has been a persistent demand on the part of the people for the amendment of this Act to make it more popular in the true sense of the expression. In drafting this Bill I have attempted to follow the same principle of greater freedom and of more popular control of the unions and, to achieve this end, I have suggested the transference of authority over the union boards, generally from the District Magistrate to the Chairman of the district board, who is now a non-official in every district and elected to this office by the members of the district board, the majority of whom are again elected by the people. The powers of forming union boards and nominating members to them and the authority of supervising their works, except those with regard to the chaukidars, should be vested in the Chairman of the district board, because it is more equitable that these powers should rest with the former as the head of local self-government in the district and not with the latter, who is an official. The present Act provides that against the decision of the District Magistrate and of the Chairman of the district board appeal shall lie to the Divisional Commissioner, who is the final appellate authority, and who alone can supersede a union board, whenever necessary. His is the ultimate vetoing power of the resolutions and actions of the union boards. To my mind the authority of the Commissioner over them is an anachronism. The Commissioner, who is a member of the Indian Civil Service, and is more a member of the rest ... the Government than of the transferred, should not be the ... rity over these units of village self-government while the ... of Local Self-Government is under the portfolio of the Ho... nister, who is our accredited representative and spo... champion of popular rights. So my submission is, that the ... ould be the highest authority over these union boards.

... fficers now supervise the work of the union boards as rep... of the District Magistrate, who delegates the powers to ... the Act. Here, again, arises a great conflict of duties and ... ties. It is the district board that gives financial help to ... ards; so it is the Chairman of the district board who alo... fere in its works of rural sanitation and education, and it i... one can be consulted by the circle officers in these mat... I think there should be a provision in the Act for the dele... s powers to the circle officers.

... portant change which I have suggested is in the rate of ... nd in the principle of assessment. The unpopularity of ... mainly due, without any shadow of doubt, to the high rate ... nt provided in it. The maximum rate under the old Cha... (1870) was Rs. 12; suddenly it was increased to

Rs. 84 on the ground of helping the improvement of the villages, the proportion being Rs. 24 for chaukidari tax and Rs. 60 for sanitation; and I have proposed that the maximum limit should be Rs. 50, i.e., 20 + 30. This reduction in the rate of maximum limit will give relief not only to the richest men in the union, but to all the rate-payers, because the assessment will proportionately come down. To compensate this loss which will result from this reduction in the maximum limit change in the principle of assessment has also been provided for. The ownership of property has got its co-relative rights and obligations. Under the existing law, only the owners and the occupiers of buildings in the union can be assessed with union rates; so that if a man possesses large and valuable landed properties, but has no building, he cannot be charged union rates. A man may possess a hundred bighas of rent-free lands in the union; but he may be an inhabitant of a different union and is therefore not liable to pay even a single pice as union rate to the first union. But at the same time it is the duty of the chaukidar of that union to protect his crops against thieves and robbers. This change will increase the income of the union in the most equitable way.

The next amendment is about the authority for the revision of assessment. I think the Chairman of the district board should be invested with this power also. Now the District Magistrate is the only authority. He alone can call for the assessment papers. He is responsible for the maintenance of law and order in the district and it is his duty to see that the chaukidars are regularly paid and properly equipped. The pay of the chaukidars is the first charge on the union funds. The District Magistrate is only concerned with this portion of the expenditure, and it is his duty to see that sufficient provision is made for the maintenance of the chaukidars. The expenditure on other items is purely optional. The union board may or may not impose any taxes under section 37(*b*) which are to be spent on sanitation, education, etc., under the supervision of the district board; so that the Chairman is the controlling authority there. Thus it is necessary that he should have a hand in the revision of the assessment.

The only point in which I have tried to place limit to the powers of the union boards is with regard to the union courts and union benches. I have proposed that the orders of punishment should be made appealable. It is a change which every lover of liberty should welcome. Because while it keeps the powers of the union courts and benches intact, it gives the unfortunate accused an opportunity to fight for his personal liberty.

This is the broad outline of the changes in the Bill, and this is the general principle which underlies these changes. The only change I wish I could have suggested is a substantial contribution by the Government towards the pay of the chaukidars in consideration of their

services utilized by the police. It is inequitable that the whole cost should be borne by the villages. But the financial stringency of the Government stands in the way.

Khan Bahadur Maulvi WASIMUDDIN AHMED: Though I do not concur with the movers of these two private Bills, I do not see that there is any harm for introducing the amendments of the Act because Shah Syed Emdadul Haq aims at removing some of the grievances which are real and which have been felt by him as President and Vice-President of several unions. Of course some may say, that if the Presidents and Vice-Presidents are not liked by the members of unions, it is no good for them to remain there. But at the same time it must be remembered that in a village people often have differences of opinion on very minor points, and that they carry them to the extreme to the annoyance of the Presidents as well as Vice-Presidents, who are doing useful work, and thus they destroy the good feeling existing between them and the villagers; as for instance, in order to improve the supply of water and to improve a village, they may have to cut down some jungles or trees, thereby incurring the displeasure of some villagers who may form a party and then combine themselves against the Presidents and Vice-Presidents. In such cases, it is desirable that these Presidents and Vice-Presidents should have some protection, say, by way of an appeal to the district board or any other higher authority.

As regards the taxation, of course my friend, Mr. Bijoyprosad Singh Roy has fixed a maximum fee of Rs. 84, and though I don't agre[illegible] with regard to the maximum fee, he has made some prov[illegible]cating that amount for different union boards when he h[illegible] in different unions. Of course when there is a big sam[illegible]articular union, he can afford to pay Rs. 84. There is n[illegible]king him pay the maximum rate; but if he be required to p[illegible] amount in other unions, where he may have some hold[illegible]case there will be a real hardship; so it is an improvement [illegible]sent Act. There are also some minor points which are [illegible]nk that these two Bills should go to the Select Committ[illegible]e whole matter may be considered and the best things foun[illegible] which will serve the rural population best. With these [illegible] to support these two Bills.

M[illegible]UINUDDIN AHMED: I beg to oppose the reference of th[illegible] to the Select Committee on account of the principle that [illegible]be enunciated, that the powers of the Magistrate be given [illegible]rmen of district boards. We all know that there is no [illegible]epresentation in the district board elections and nomi[illegible] the Muhammadans, who are in a minority, must take [illegible]care to guard their own interests. We have seen the [illegible]tions in the district boards—the election that was

introduced only three years ago. Dinajpur has a Muhammadan population of 52 per cent. Who is the Chairman there? A Hindu gentleman; and out of 28 members only 8 are Muhammadans! Why? Because the Muhammadans are not sufficiently advanced at present. No sooner was the right of election given, the matter was in some way or other not made known to the Muhammadan electors, and Hindu gentlemen, pleaders and mukhtears from the headquarters of the district went to every thana and stood as candidates for the district board.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I rise to a point of order. Is that all relevant to the present question?

Maulvi YAKUINUDDIN AHMED: Certainly it is. The result is, as I have told you, that out of 28 members, only 8 are Muhammadans. If we turn to Rangpur, which has also a preponderating Muhammadan population, there also the Chairman is a Hindu gentleman, who is a Government pleader of the district and a Rai Bahadur to boot. My friend, Shah Syed Emdadul Haq, who is an energetic member of this Council, has never sought to become a member of the district board. He says that he is the President of a village union.

Mr. DEPUTY-PRESIDENT (Babu Surendra Nath Ray): Which Bill are you discussing?

Maulvi YAKUINUDDIN AHMED: I am discussing the principle of taking away the right of nomination from District Magistrates and giving it to the Chairmen of district boards. That is the principle they are going to enunciate; in fact they have already enunciated that policy. I therefore say that so long as Muhammadans are not sufficiently advanced, the right of nomination cannot be given to the Chairmen of district boards because it is only intended to hold the balance even when there is a paucity of Muhammadan members in the district boards and union boards. With regard to the other matters also, viz., assessment of rates, etc., there is much partiality. It is the Magistrates and circle officers who are competent to fix the rates, specially in the case of poor people. If there is a heavy assessment the poor people cannot go to the Chairman, who lives in the headquarters of a district, but they can complain to the Magistrates and circle officers, when they go out on their rounds, that the taxes are heavy. I beg to submit that the tax sometimes falls lightly upon big people, because they have access to the Chairman of the district board. On these considerations I beg to submit that the principle which has been enunciated is wrong, and I oppose the reference of these two Bills to the Select Committee.

Rai JOGENDRA CHUNDER GHOSE Bahadur: Maulvi Yakuinuddin Ahmed opposed these two Bills. There are certain advocates who spoil the case of their clients. I was not very anxious to support this measure, but having heard him I feel that I must support them. These demands for partial treatment by our Muhammadan fellow-citizens have become so persistent, so annoying and so irritating, that they will lead some day to a very serious friction. Live and let live is a maxim which both Hindus and Muhammadans should be guided by. There is no reason whatsoever why anybody should demand partial, favourable treatment; and to drag the name of the Magistrate in this connection and to say that the Magistrate of a district should be more favourably inclined towards this sect or that sect, does not speak well. Why should not the Chairman of a district board have the right to nominate? Indeed, I was not in favour of it because in most of the eastern and northern districts, Muhammadans are Chairmen. That being so, Hindus should object to Muhammadan Chairmen being allowed to nominate; but they who are in a majority say that they should be further more in the majority and should have all the power in the local boards and district boards. I think that the Hindus should be protected and not the Muhammadans in eastern and northern districts. In this view of the matter I should have been inclined that the Magistrate should have the power of nomination; but having regard to what has fallen from my friend Maulvi Yakuinuddin Ahmed, I think that the Chairmen of the district boards should have the power.

Mr. SYED NASIM ALI: At first I thought that I would support thes... but having heard the reasons and arguments of Rai Jog... r Ghose Bahadur, I think that I should oppose these Bill... seems that the Chairman of a district board, as at pres... ed, cannot be safely entrusted with the powers which are ... delegated by these Bills. I am quite in favour of exte... licy of Reforms as far as possible to the lowest rung of t... our representative associations, but before I do it I mus... t of favours but of my rights. I do not care for favo... t want favours either from the district board or from Rai ... hunder Ghose Bahadur, but I stand on my rights. Unt... I am sure that these rights are safeguarded properly in a... l by the Reformed Council, after hearing the Rai Baha... I ought to oppose these Bills. Sir, after the passing of th... he Calcutta Municipal Act has been thoroughly over-hauled ... that the Bengal Municipal Act is going to be amended. Nex... Local Self-Government Act after the local Self-Government ... n amended in the spirit of the Reforms, in which I am ... r Hon'ble the Minister would safeguard the interests of b... munities and do justice to both the communities, and if the ... re appointed under the new Act which is to be passed

and which is to safeguard and equalise the rights of both the communities, I will be the first person to support these two Bills, but until and unless that is done I would oppose these two Bills.

Rai MAHENDRA CHANDRA MITRA Bahadur: These two Bills appear to me to be two Chapters of the Act. I thought that these private Bills would not come into the Council, but that the necessary modifications and improvements would be made by Government. But I find, Sir, that this has not been done and that these two private Bills are now before the Council. The question, therefore, is whether these two Bills ought to be referred to a Select Committee for consideration. I did not properly understand the speech of the first mover, but I do understand that he wishes certain improvements to be made in connection with the chaukidar's position. Regarding the second Bill moved by Mr. Bijoyprosad Singh Roy, it appears to me that he wishes that larger powers should be given to the Chairman, the object being that the Chairman would be in a position to exercise his authority according to his own responsibility. I am very sorry that whenever we discuss a question of principle, communal representation comes into play and the Council has to listen to such kind of speeches. I should say that this should be avoided. The only question is—can the Chairman be allowed to enjoy the privileges which the second Bill proposes to give? But why do you come forward with the argument that he happens to be a Hindu Chairman and not a Muhammadan Chairman. We are fighting in this Council for the sake of principle, nothing more than that; but, as I have said, it is a matter of deep regret that when dealing with questions like this the communal question should come into play.

(At this stage the President took the Chair.)

Avoiding all that, we put forward the submission to the Council—Can the Chairman be empowered to exercise these powers independent of the powers that have been given to the Magistrate? If we come to that stage, can we come forward and say, divest the authority from the Magistrate and allow that power to be given to the Chairman. I remember the day when this Act was passed in 1919—I remember it was drafted by Lord Sinha and it was piloted through by the Hon'ble Sir Henry Wheeler—all these questions were considered by the Council at that time and, notwithstanding all the suggestions it was thought that the Magistrate should get all the powers at that time. Has not the time arrived when the Council is in a position to say that the Chairman is to enjoy these privileges? That is a question of fact; that is not a question of policy. I will deal with these matters in a concrete way. I consider that the responsibility can very well be shouldered upon the Chairman, be he a Hindu or a Muhammadan. I say if such powers be given, the

Government will not have any reason to complain thereafter. We enjoy the privileges of local self-government under which larger and greater powers should be handed over to us, and that is the reason why I submit to the Council, that Government will yield to the wishes of the people, and the mover of the Bill has come forward to the Council on that consideration. But, Sir, I differ from him on some other points. He asks that the owner of property of *lakraj* land should be taxed. I am not in a position to answer this. These are matters entirely for the Select Committee to consider.

As I have said, I was thinking that a Government measure would be brought before the Council, but I was perfectly disappointed, and hence my submission is that I have no other alternative than to support the two Bills which are before the House.

Babu SURENDRA NATH MALLIK: I think, Sir, it is high time that we should realise that we should be able to discuss these things without constantly stirring up racial questions and differences. These things can only blind our vision and they do not permit us to do our real duty by our country. I think that it is extremely deplorable that anybody should stir up racial feelings and differences in discussing these Bills. To my mind a Bill of this description in which there is bound to be some question of racial difference should be left to Government. Let them do it. Let them take up that responsibility. It is not ours. We simply oppose where we should. Let the Government come forward with any proposal, which we might accept or [illegible] according to our own lights; but why should we bring in Bills [illegible] likely to accentuate racial feelings and differences, I do [illegible] This is the view which I humbly submit to this House, that [illegible] should, as far as possible, avoid all this bitterness; and [illegible] lamentable that feelings should be roused whenever a question of this description is brought forward. This is my humble view [illegible] to place this before the House—"In such a case leave it to Government; let them do whatever they like." At least, we [illegible] have the satisfaction that this has been brought up by Government [illegible] not by ourselves.

Sir SURENDRA NATH BANERJEA: I feel that I might [illegible] intervene at this stage of the debate. I think, Sir, the [illegible] disclosed the difficulties and complexities of the problem. These are two short Bills, but they raise issues, as we have seen, which are far-reaching and which are calculated to [illegible] happy feelings which it should be the duty of Government and which it should also be the duty of this House to help. I quite sympathise with the remark of my hon'ble friend Mr. N. Mallik. This is essentially a matter for the Government to take up, and there should be no tinkering and no

trifling with a measure of this kind. Sir, if you look at the evolution of the institutions of local self-government in this province, you will find that all measures of local self-government have upon them the impress and the mark of the initiation of Government. In 1876, Government gave local self-government to the people of Calcutta. It was Government that did it. In 1884, Government gave local self-government to the townships of Bengal under the Bengal Municipal Act. In 1885, Government gave local self-government to the rural areas under the Act of 1885. In 1919, Government gave local self-government to the village population. Therefore, throughout the whole history of the evolution of our local institutions, the hand of Government is prominent. Government have taken the initiative and will take the initiative in the matter of recasting the Village Local Self-Government Act. It ought to be a Government measure with the impress of Government. Government have no desire to divest itself of this responsibility. I therefore must oppose these two Bills, firstly, for the reason that it should be a Government measure; secondly, for the reason that delicate issues of the utmost gravity involving far-reaching consequences have been raised, and on behalf of Government I ought to intervene and ask the House not to consent to the reference to the Select Committee. Some Muhammadan members have brought forward important considerations. Whether they were justified or not, delicate issues have been raised; they are now before the House. They have to be dealt with and Government must deal with them.

Then, Sir, there are other considerations which have to be borne in mind. You have talked of district boards *ad nauseum*. Speaker after speaker has referred to the opinions of district boards. What about the union boards? Have they been consulted? Have the village panchayets been consulted? Are they not the people most vitally concerned? When we have a proposal affecting the Calcutta Corporation, whom do we consult? We consult the Corporation—the party chiefly concerned. You have not consulted the union boards. You skim over the surface; you touch the fringe of the question and have not gone into the deeper depths of the great considerations at issue. That remains to be done. The Bill does not proceed upon any note which has been sounded by the union boards. That is my strong objection to these Bills.

Then, Sir, there is another consideration of the utmost importance. We have the Bengal Municipal Bill; we shall soon have the Local Self-Government Bill—a large comprehensive measure which I hope we shall be in a position to draft next year—not the amending Bill which is of small consequence and which will come up very soon. In that Bill, the position and status of the union boards will be seriously affected. Will you have the local boards or not? If you don't have

the local boards, the status of the union boards will have to be reconsidered next year; and the matter will have to be gone over again. Are you prepared to waste this time? I ask my hon'ble colleagues in this Council, are you prepared to do this work over again, to revise what you do now in the light of considerations which may reveal themselves next year? It will be a waste of time, a waste of energy and money.

I think, therefore, that on these general grounds I should oppose the Bills, and I hope and trust that the House will support me in the appeal which I make to them and for the reasons I have stated. I need not enter into details; but I may say that I differ in very many essential matters from the Bills that are the subject of debate to-day; and if Government were to oppose the provisions therein, there would be very little left in them. On these grounds I oppose the reference of the Bills to the Select Committee, and I hope that the House will respond to my appeal, and if I may go a step further, may I ask the two hon'ble members to withdraw their Bills in the confidence that Government will deal with the matter in a far more effective and adequate manner. I trust my appeal will not fall on deaf ears.

Babu SURENDRA NATH MALLIK: May I ask if any comprehensive Bill with this end in view is actually in course of preparation now?

The Hon'ble Sir SURENDRA NATH BANERJEA: No; not yet. We shall take up the matter as soon as we have time.

MAULVI SYED EMDADUL HAQ spoke in Bengali, a translation of which is given below:—

I deep regret that I have to inform the House that I fail to see why the Hon'ble the Minister instead of pointing out the present Bill is so reluctant to discuss it in the Select Committee. He has not substantiated any justification of his desire by any reasons; and even if he does so, I think this Council is not in a position to veto it when this Bill has been introduced. A lot of public money has been spent for its circulation and publication, and I do not see any cogent reason why this Bill should not be discussed in the Select Committee. If the Hon'ble the Minister had pointed out the defects that exist in the present Bill, it would have been far better and the apprehension of the public would have been removed. I submit, of course, with due deference to his grey hairs and matured judgment, that the main object of this Bill is to advance the cause of self-government and gradually to snatch the powers from the hands of the Executive Magistrates and to transfer them to the district boards. I therefore, earnestly appeal to the Hon'ble the Minister in charge that he would not stand in the way of appointing a Select Committee to consider the various aspects of this Bill.

Mr. BIJOYPROSAD SINGH ROY: First of all I shall attempt to meet the arguments put forward by Maulvi Yakuinuddin Ahmed and supported by Mr. Syed Nasim Ali and the Hon'ble the Minister for Local Self-Government. I may say at once that the fear for Muhammadan interests is absolutely baseless; because there are now seven Muhammadan Chairmen of district boards—in Rajshahi, Dacca, Bakarganj, Bogra, Pabna, Mymensingh and Chittagong. The next point is that the Hon'ble the Minister has said that in these Bills we have attempted to create an unhappy feeling—

The Hon'ble Sir SURENDRA NATH BANERJEA: No, I did not say that. All I said was that the effect of these Bills, would be to create, and that they were calculated to create and stir up an unhappy feeling.

Mr. BIJOYPROSAD SINGH ROY: Then there is another argument that the union boards who are vitally interested in these Bills have not yet been consulted. Sir, from the date on my Bill it is apparent that it was on the 6th of July last year that I sent in notice of this Bill, and I think that if Government so desired, they had ample time to consult the union boards, and it is a pity that the Government should come forward at this late hour with the excuse that they had not the time to consult the union boards. This sort of argument was not expected from the popular Minister who is the leader of public opinion in this country—

The Hon'ble Sir SURENDRA NATH BANERJEA: Would not a popular Minister be expected to consult those bodies who are most vitally affected? I think that a Minister who does not do that would be failing in his duty and would cease to be popular.

Mr. BIJOYPROSAD SINGH ROY: The Hon'ble the Minister now says that Government will come forward in the near future with a more comprehensive Bill, but I doubt if that day will ever come. Where is the Bill for Local Self-Government which the Hon'ble the Minister promised to lay before the House?

The Hon'ble Sir SURENDRA NATH BANERJEA: The amending Bill is ready and will soon be introduced in the Council.

Mr. BIJOYPROSAD SINGH ROY: Where is the State Aid to Industries Bill which was so often talked of? We have very little faith in the promises made by Hon'ble Ministers. Where is the Bengal Municipal Bill?

Mr. PRESIDENT: We do not want a catalogue of Bills that were promised by the Ministers, Mr. Roy. I may also say that Local Self-Government Bills and Industries Bills are quite irrelevant at present.

Mr. BIJOYPROSAD SINGH ROY: The Hon'ble the Minister has opposed my Bill simply because Government want to oppose it. He is unable to point out any inherent defects in the Bill, but yet he must oppose it.

I have not much to say, but only to point out that the excuses which have been put forward by the Hon'ble the Minister are baseless.

The motion that the Bill by Shah Syed Emdadul Haq be referred to a Select Committee was then put and a division was called, with the following result:—

AYES—40.

Ahmed, Khan Bahadur Maulvi Wasimuddin.
Ahmed, Maulvi Rafi Uddin.
Ali, Mr. Syed Erfan.
Arhamuddin, Maulvi Khandakar.
Banerjea, Dr. Pramathanath.
Banerjee, Rai Bahadur Abinash Chandra.
Basu, Babu Jatindra Nath.
Bhattacharji, Babu Hem Chandra.
Bose, Mr. S. M.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Rai Harendranath.
Cohen, Mr D. J.
Das, Babu Shishmadev.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Rai Bahadur Panindralal.
Dess, Rai Bahadur Pyari Lal.
Dutt, Mr. Ajoy Chunder.
Dutta, Babu Annada Charan.
Dutt, Babu Indu Bhushan.
Ghose, Rai Bahadur Jogendra Chander.
Haq, Shah Syed Emdadul.
Karim, Maulvi Fazlal.
Khaitan, Babu Debi Prosad.
Khan, Babu Debendra Lal.
Makramali, Munshi.
Mallik, Babu Surendra Nath.
Mitra, Rai Bahadur Mahendra Chandra.
Moitra, Dr. Jatindra Nath.
Mukhopadhaya, Babu Sarat Chandra.
Nasker, Babu Nem Chandra.
Raikat, Mr. Prasanna Deb.
Ray, Babu Bhabendra Chandra.
Roy, Babu Jogendra Nath.
Roy, Mr. Bijoyprosad Singh.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy, Raja Manilall Singh.
Sarkar, Babu Jogesh Chandra.
Sarkar, Babu Rishindra Nath.
Sinha, Babu Surendra Narayan.

NOES—46.

A[illegible] Iya Dhone.
A[illegible] K. M., Khan Bahadur.
A[illegible]nadur Maulvi Emaduddin.
A[illegible]zaharuddin.
A[illegible]kulnuddin.
A[illegible]sim.
[illegible]adur Khwaja Mohamed.
[illegible]'ble Sir Surendra Nath.
[illegible]
[illegible]
[illegible] Shah Muhammad.
[illegible]n'ble the Nawab Saiyid
[illegible]n Bahadur.
[illegible]
[illegible]
[illegible]'e Mr. J.
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]campbed.
[illegible]
[illegible]
[illegible]. T.
[illegible]mul.
Hussain, Maulvi Mahammed Madassar.
Janah, Babu Sarat Chandra.
Khan, Maulvi Hamid-ud-din.
Law, Raja Reshee Case.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Marr, Mr. A.
McAlpin, Mr. M. C.
McCay, Lt.-Col. David.
Millar, the Hon'ble Mr. P. C.
Mukerjea, Mr. S. C.
Mukherjee, Babu Nitya Dhan.
Mukherji, Professor S. C.
Phillip, Mr. J. Y.
Raheem, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ur.
Ray, Babu Surendra Nath.
Robertson, Mr. F. W.
Roy, Maharaja Bahadur Kshaunish Chandra
Roy, Mr. J. N.
Skinner, Mr. H. E.
Stephenson, the Hon'ble Mr. H. L.
Stuart-Williams, Mr. S. C.
Villiers, Mr. F. E. E.

[illegible]ing 40 and the Noes 46, the motion was lost.

The motion that the Bill by Mr. Bijay Prasad Singh Roy be referred to a Select Committee was then put and a division was taken with the following result:—

AYES—39.

Ahmed, Khan Bahadur Maulvi Wasimuddin.
Ahmed, Maulvi Rafi Uddin.
Ali, Mr. Syed Imtaz.
Arhamuddin, Maulvi Khandakar.
Banerjea, Dr. Pramathanath.
Banerjee, Rai Bahadur Abinash Chandra.
Basu, Babu Jatindra Nath.
Bhattacherji, Babu Hem Chandra.
Bose, Mr. S. M.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Rai Harendranath
Das, Babu Shishmadev.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Rai Bahadur Panindralal.
Dess, Rai Bahadur Pyari Lal.
Dutt, Mr. Ajoy Chunder.
Dutta, Babu Annada Charan.
Dutta, Babu Indu Bhushan.
Ghose, Rai Bahadur Jogendra Chunder.
Haq, Shah Syed Emdadul.
Karim, Maulvi Fazlal.
Khaitan, Babu Debi Prosad.
Khan, Babu Debendra Lal.
Makramali, Munshi.
Mallik, Babu Surendra Nath.
Mitra, Rai Bahadur Mahendra Chandra.
Moitra, Dr. Jatindra Nath.
Mukhopadhaya, Babu Sarat Chandra.
Nasker, Babu Hem Chandra.
Raikat, Mr. Prasanna Deb.
Ray, Babu Bhabendra Chandra.
Roy, Babu Jogendra Nath.
Roy, Mr. Bijoyprasad Singh.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy, Raja Manilal Singh.
Sarkar, Babu Jogesh Chandra.
Sarkar, Babu Rishindra Nath.
Sinha, Babu Surendra Narayan.

NOES—45.

Addy, Babu Amulya Dhone.
Ajmi, Nawabzada K. M., Khan Bahadur.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Ahmed, Maulvi Azaharuddin.
Ahmed, Maulvi Yakuinuddin.
Ali, Mr. Syed Nasim.
Azam, Khan Bahadur Khwaja Mohamad.
Banerjea, the Hon'ble Sir Surendra Nath.
Barton, Mr. H.
Birley, Mr. L.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
De, Mr. K. C.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Duval, Mr. H. P.
Emerson, Mr. T.
Forrester, Mr. J. Campbell.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. G. T.
Huq, Maulvi Shramul.
Hussain, Maulvi Mahammed Madassur.
Khan, Maulvi Hamid-ud-din.
Khan, Mr. Razaur Rahman.
Law, Raja Reshee Case.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Marr, Mr. A.
McAlpin, Mr. H. C.
McCay, Lt.-Col. David.
Milter, the Hon'ble Mr. P. C.
Mukerjee, Mr. S. C.
Mukherjee, Babu Nitya Dhon.
Mukherji, Professor S. C.
Philip, Mr. J. Y.
Rahcam, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, Babu Surendra Nath.
Robertson, Mr. F. W.
Roy, Mr. J. N.
Skinner, Mr. H. S.
Stephenson, the Hon'ble Mr. H. L.
Stuart-Williams, Mr. S. C.
Villiers, Mr. F. E. E.

The Ayes being 39 and the Noes 45, the motion was lost.

Dr. Hassan Suhrawardy being absent, the following motion standing in his name was not put.

Dr. HASSAN SUHRAWARDY to move that the Bengal Cruelty to Animals (Amendment) Bill, 1923, as introduced by him, be referred to a Select Committee consisting of the Hon'ble Mr. H. L. Stephenson, Babu Surendra Nath Ray, Mr. L. Birley, Mr. H. P. Duval, Babu Debi Prosad Khaitan, Rai Dr. Haridhan Dutt Bahadur, Babu Kishori Mohan

Chaudhuri, Mr. S. Mahboob Aley, Maulvi Shah Abdur Rauf, Mr. J. Campbell-Forrester, Babu Amulya Dhone Addy and the mover, with instructions to submit their report in time for its consideration by the Council at the next August session.

The following motions fell through as the movers expressed a desire not to move them:—

The Calcutta University Bill, 1923.

Babu SURENDRA NATH MALLIK: to move that the Calcutta University Bill, 1923, as introduced by me, be referred to a Select Committee consisting of the Hon'ble Mr. P. C. Mitter, the Hon'ble Sir Abd-ur-Rahim, Mr. J. N. Roy, Mr. W. W. Hornell, Professor S. C. Mukherji, Babu Jatindra Nath Basu, Babu Rishindra Nath Sarkar, Mr. Ajoy Chunder Dutt, Dr. Hassan Suhrawardy, Maulvi A. K. Fazl-ul Haq, Rai Jogendra Chunder Ghose Bahadur, Babu Kishori Mohan Chaudhuri, Mr. W. L. Carey and myself, with instructions to submit their report in time for its consideration by the Council at the next August session.

The University of Calcutta Amendment Bill, 1923.

Babu JATINDRA NATH BASU: to move that the University of Calcutta Amendment Bill, 1923, as introduced by me, be referred to a Select Committee consisting of the Hon'ble Mr. P. C. Mitter, the Hon'ble Sir Abd-ur-Rahim, Mr. J. N. Roy, Mr. W. W. Hornell, Professor S. C. Mukherji, Babu Surendra Nath Mallik, Babu Rishindra Nath Sarkar, Mr. Ajoy Chunder Dutt, Babu Kishori Mohan Chaudhuri, Dr. Hassan Suhrawardy, Maulvi A. K. Fazl-ul-Haq, Rai Jogendra Chunder Ghose Bahadur, Mr. W. L. Carey and myself, with instructions to submit their report in time for its consideration by the Council at the next August session.

The Calcutta Suppression of Immoral Traffic Bill, 1923.

Mr. S. C. MUKHERJI: I move that the Calcutta Suppression of Immoral Traffic Bill, 1923, as introduced by me, be referred to a Select Committee consisting of the Hon'ble Mr. H. L. Stephenson, Mr. H. P. Duval, Mr. Abdur Raheem, Babu Jatindra Nath Basu, Babu Surendra Nath Mallik, Dr. Jatindra Nath Moitra, Dr. Hassan Suhrawardy, Mr. F. E. E. Villiers, Mr. K. C. Ray Chaudhuri, Babu Amulya Dhone Addy, with instructions to submit their report in time for its consideration by the Council at the next August session.

Seldom has any Legislative measure received such widespread and whole-hearted support as this Bill. Every community in Calcutta—Hindu, Muhammadan and Christian, Brahmo, Buddhist and Jain, has taken a most keen interest and feels that a social and civic measure of this character is essentially necessary. This evil of commercialized vice is growing apace and is assuming disproportionate dimensions and is proving a serious menace to the civic life of the city. A very brisk trade is going on in importing young girls from mufassal and other centres, who are brought to Calcutta and placed in houses of ill-fame, where they are being trained for a life of prostitution. According to the Chairman of the Calcutta Corporation, there are roughly 38,000 prostitutes in Calcutta, and 1,200 minor girls are brought into the city every year for the purposes of immorality. Those despicable specimens of humanity, the pimps and procurers, have made a shipwreck of thousands of helpless innocent lives and have turned many a happy home into a scene of desolation and misery. Drastic legislation is necessary to deal with this class of people.

It is a matter of profound regret to me that by some accidental oversight clauses that dealt with pimps and procurers were left out of the original draft. In this connection important suggestions have come from the Calcutta Vigilance Association, which has rendered yeoman service in the cause of social purity, and also from the Commissioner of Police. The omission in the draft Bill will be put right in the Select Committee.

So far as the broad principles underlying the Bill are concerned, there has been a perfect unanimity in the country. The Calcutta Corporation, which has a special right to speak on a subject like this, the Commissioner of Police, the Commissioner of the Presidency Division, the Indian Association, the British Indian Association, the Indian Christian Association, Bengal, the Calcutta Missionary Conference, the Bengal Christian Conference, the Calcutta Vigilance Association, the Anglo-Indian and Domiciled European Association, and the Bengal Social Service League have strongly supported the principles of the Bill.

I take this opportunity of entering my emphatic protest against the statement made by the sub-committee appointed by the Council of the European Association where the sub-committee say: "They consider the Bill wrong in principles since, as practical men, the Committee do not consider that prostitution *per se* can be stamped out—more specially in a country where prostitution is sometimes regarded as an honoured profession. (Cries of "Shame, shame.")

I doubt very much whether the report of the sub-committee in the form in which it has been sent was ever carefully considered by the Association itself and I hope the European Association will take the earliest opportunity of withdrawing the latter part of the statement

which is unwarrantable and needlessly offensive and is likely to give rise to unhappy communal irritation which is sure to do great harm.

As regards the general provisions of the Bill, some very valuable suggestions have come from public organisations and also from responsible persons, which, if the Bill is allowed to go to a Select Committee, will receive their most careful consideration.

As there has been such a consensus of opinion in support of the Bill, a detailed examination of the Bill will not be necessary.

I shall, therefore, content myself with a rapid survey of some of the main provisions of the Bill:—

1. The main object of the Bill is to suppress commercialized vice.

2. A brothel or a disorderly house has been defined as a house, room or place which the occupier or person in charge thereof habitually allows to be used by any other person for the purposes of prostitution.

3. The Bill provides for increasing the existing penalities for solicitation to immorality and the abetment of solicitation in order to make the punishment somewhat deterrent.

Abetment of solicitation has been specially mentioned to include gharriwallahs, rickshawallahs and other pimps who solicit in public places.

4. For the above offences any police officer not below the rank of Sub-Inspector, but specially empowered by rank or name in this behalf by the Commissioner of Police, will be able to arrest without a warrant.

...use, room or place has once had an order passed against it for ...d as a brothel and is opened again for the same purposes, ...oner of Police may, without further inquiry, order the ... manager, or occupier thereof to discontinue such use with... seven days.

...sion is absolutely necessary, because under the present ... Police Act, the inmates of a brothel may be changed, and ...moral house need not be discontinued, as the owner can ... it out to another set of prostitutes.

... 6 to 8 deal with the removal and disposal of minor girls ...

... crux of the whole question. The establishment of indus... contemplated in the Bengal Children's Act, has become ... necessity.

...ply grateful to His Excellency the Governor for evincing ...erest in the said Act with regard to the establishment of ...ols.

...s passed into law, the question of industrial schools will ...ry forefront and demand an immediate solution in the

hands of the Government and the public spirited citizens of Bengal. And here is a grave responsibility which cannot be ignored any longer.

We are faced with an evil which must be stamped out, and the sooner it is done the better for the fair name of Calcutta and for the salvation of hundreds and thousands of our unfortunate sisters.

Babu SURENDRA NATH MALLIK: I beg to associate myself with everything that has been said by the mover, Professor S. C. Mukherji, whom I have heard with keen attention, and I think a long speech on the subject is not expected of me. But the only thing which I should like to add is this. You might legislate, but you cannot suppress prostitution, unless the elderly ladies and mothers are educated and are anxious to save their unfortunate young daughters and sisters, and lend them a helping hand. Further, I think the time has come when we should provide places where these unfortunate young women could be placed free from all temptations. Without that there can be no use of this legislation and you cannot put a stop to the vice.

Mr. F. E. E. VILLIERS: I wish to associate myself with the underlying principles of the Bill, as proposed by Professor S. C. Mukherji, and in doing so I know I am voicing unequivocally the sentiments of the European community. Professor S. C. Mukherji has pointed out that this is not the time to consider the detailed provisions of the Bill and, although this is so, and although there are some of us who consider that the Bill is not altogether on sound lines, since we have been told of the serious omissions from the Bill as put up to us for consideration, we entirely, as I have already said, agree with the main principles. It is a matter of common knowledge to most of us that the state of immorality in this great city is in parts such as can no longer be tolerated, and as such I would assure the mover that we will give every bit of our service in aiding the Bill through its course and to see to it that legislation is effected on wise and practical lines.

[At this stage the President left the Chamber and the Deputy-President took the Chair.]

Babu DEBI PROSAD KHAITAN: I rise to associate myself with the principles underlying the Bill to refer which to the Select Committee Professor S. C. Mukherji has made this motion. There is no doubt that immoral traffic has increased to a very large extent in this great city, and I am ashamed to admit that it is increasing every day. It is absolutely necessary that some substantial steps should be taken not only to check the increase but to diminish as far as possible the growing evil which is a disgrace to this Imperial city of Calcutta. I am glad to find that this Bill has been introduced; it will now go to the Select Committee, I hope, by a vote of this Council and, when it

emerges from the Select Committee, it will be in a form which will produce the effect intended by the mover of this Bill.

Dr. PRAMATHANATH BANERJEA: I rise to give my full support to the general principles of the Bill. The children of the middle and poorer classes of the community require to be protected against the insidious attempts of the wretched class of persons who are known as pimps and procurers, and the highest punishment should be awarded to them. When the Bill is considered in the Select Committee, I hope the details of the Bill will be carefully examined, so that the Bill may not fail in its object and there may not be any hardship on innocent persons.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: I think I cannot silently allow this important piece of social legislation, introduced by my hon'ble friend, Professor S. C. Mukherji, to go without my participation in the debate. It strikes me as a most extraordinary thing (it may be due to certain extraordinary circumstances) that some very important pieces of legislation have been introduced by private members at a time when the life-time of the Council is coming to an end. I do not exactly know whether there will be time enough for the Select Committee to go into all its details and to devote the amount of attention and the amount of care which the importance of the subject demands and then to present a Bill which will be acceptable to the House; so that the provisions of such a Bill can be discussed fully and elaborately in this Council. However, there is no question th... ...ll the members of this House are in full sympath... with t... ...g principles of the Bill. But it strikes me that a piece o... ... which will affect Calcutta alone has been so abruptly i... The underlying question is a very large one. It is s... ...rge number of immature girls are imported from the c... the metropolis, and that is how this immoral traffic is c... ...t affects the mufassal as much as the metropolis. When th... decoyed from the mufassal, it is necessary that steps sh... ...n so that the girls may not be brought from there to C... ...is kind of traffic and commerce. Where is the provision fo... think the only thing that the framer of the Bill aims at, is ... Calcutta Police with greater powers for arresting cer- to ...arrying on this nefarious traffic and to put a stop to it ... think that is enough. Something more ought to be done. T... ...e been pointed out by the League of Nations, and I th... ...s an important piece of legislation before the Legislative A... ...ndia; and if we want to do anything we should proceed on... ...d down by the League and the Legislative Assembly of In... ...ing with a subject like this is of very little use. H... ... not think there is any harm in referring it to the

Select Committee. The Select Committee will present a report, and that report shall have to be considered very carefully by this House. As I told the Council, there will be hardly any time for this House, at the fag-end of the session, to consider all the details of a Bill like this and to devote the time and attention which the importance of the subject would demand. However, I am not going to oppose the reference to the Select Committee; but I think it is absolutely necessary that there should be a piece of comprehensive legislation which will cover the case of the mufassal as well as of Calcutta with regard to every kind of commercialised vice and traffic in human beings. As young girls are imported into Calcutta from outside, you cannot leave the country outside Calcutta out of your consideration. With these observations, I beg to express my hearty sympathy with the underlying principles of the Bill: but the details are not such as to command my unstinted support. Further, there is another serious objection to the Bill which has been pointed out by Mr. S. N. Mallik, and I am in full agreement with him. Unless there are "rescue-homes" all over the country, where are we going to keep the girls, rescued from a life of temptation? It is perfectly useless to legislate on a subject like this without these rescue-homes. The effect of this debate in this country will be, I hope and trust, to rouse public opinion in favour of starting a large number of rescue-homes for unfortunate girls who may fall a prey to vice and to the devices of those objectionable pests of society, viz., the pimps and procurers. With these observations, I give my general support to the principles of the Bill, but I still recognize that a comprehensive piece of legislation should have been introduced, either by the Government or by some private member, for dealing effectively with the problem.

Maulvi HAMID-UD-DIN KHAN: I give my whole-hearted support to the Bill. I should like to make a few remarks with reference to the Bill. Professor S. C. Mukherji has said that through oversight no provision has been made in the Bill for the punishment of pimps. I think some provision should be made in the Bill for the proper punishment of pimps, because these pimps procure girls from outside Calcutta and bring them here for immoral purposes. I am not on the Select Committee, but I beg to draw the attention of the members of the Select Committee to section 8, 9 and 10 of Burma Act II of 1921, which properly deal with persons who are pimps and procurers. With these words I support the Bill.

Babu HEM CHANDRA BHATTACHARJI addressed the Council in Bengali in support of the Bill and suggested the addition of the name of Mr. K. C. Ray Chaudhuri to the Select Committee.

Rai JOGENDRA CHUNDER GHOSE Bahadur: The Bill has my hearty sympathy, but it does appear to me that it is not comprehensive

enough. My friend, Babu Surendra Nath Mallik, just now said that all these Bills will be of no use until the mothers are educated; but there is another class of men. Until they are brought to book, things will go on as bad as ever. It is the rich disolute men who are the cause of the downfall of women; it is they who have got to be brought to book. It is not the mothers, but the rich disolute men whom we cannot catch. Somehow I do hope that some day the law will be made wide enough to bring into the meshes of its net such men. They have no idea of the evil they do to women for the pleasure of a moment or for the gratification of their lust. Another thing has been referred to by my friend opposite (Rai Nibaran Chandra Das Gupta Bahadur), that this Bill does not provide for rescue-homes. In this country, when a Hindu girl goes wrong, there is no place for her to go to. In this state of things I think Government should provide rescue-homes. The condition of every society must be a guide for the law; there cannot be a uniform law for all countries, but the law should be in accordance with the conditions of the country. These things may be provided for. As regards the mothers and others, we have already provided for them in the Children's Act. This was done at my instance and that of many other members, but I am afraid that we have not been able to lay our hands on the rich dissolute men.

Dr. JATINDRA NATH MOITRA: I lend my whole-hearted support to the provisions of the Bill that has been moved by my friend, Professor S... Mu...erji, particularly with reference to the check on solicitation ...ng on in increasing proportion in Calcutta. During my ... the last 20 years in Calcutta I have seldom noticed open ... daylight; but lately, it was my misfortune to be placed ...stances which made me understand the seriousness and the ... the evil that is going on in Calcutta. A few days ago I ...ough a narrow lane to see a patient; it was about 2 o'clock, ...e quarter I am referring to is near about Wellesley Square, ...st of it. As I was going through a lane my car was ...oceeding at a slow speed, when, all of a sudden, a Uriya ... the front of my car and asked me to stop there. I ...ught that this was the house where I was expected. He ... my bag Shortly after another Uriya came and insisted ... go to another house. I was bewildered and could not ... situation. My chauffeur, who was more shrewd than ... realized the position and told the men that we were going ...nt. If this state of things is possible in Calcutta in ..., I think Government should not hesitate to bring in ...which will act as a deterrent to the persons who indulge in ... I quite understand the remarks made by my friend, ... Nath Mallik, that prostitution cannot be checked by mere ...body ever dreamt of this. From the days of Adam and

Eye these things are going on in some shape or other; but there must be some check on the extent of the evil and its effect on the younger people, particularly the school and college-going population, and no brothels should be allowed near any school or college or any public thoroughfare. With these remarks I support the Bill.

[At this stage the Hon'ble the President returned to the Chamber and took the Chair.]

Mr. SYED NASIM ALI: I must congratulate Professor S. C. Mukherji for introducing this Bill towards the end of the life of this Council, and for this reason. We have been concerned during these three years over balancing our deficit budgets, over financial losses—in fact we have been mainly concerned with the bread-and-butter problem. But it is the Professor who has brought in this variation—this change of atmosphere calling the attention of the House to the moral side of the people of this province and, for this reason, I congratulate the Professor for the Bill which he has introduced. Sir, prostitution cannot be stopped. We all know this. Prostitution cannot be a crime. All that we can say is that it is a vice; and, being followers of Islam, which dictates that prostitution or whoredom must be punished by stoning to death, we, the Muhammadan members, must welcome any measure which will take the least possible step towards the doing away with prostitution in this country. The most deplorable thing is not the vice of prostitution, but it is the trafficking in prostitution. We all find that in Calcutta there is a regular traffic going on by a certain class of people who are making money out of the vice of the people, and the object of the present Bill is to put an end to this trafficking in immorality. It would appear from a certain pamphlet which has been published by the Calcutta Vigilance Association, of which the Lord Bishop of Calcutta is the President, that about 1,300 young girls are imported into Calcutta for the purpose of prostitution every year—a horrible figure and a horrible state of affairs indeed! If we are to see that Calcutta should be freed from this evil a real beginning must be made. Up till now no serious attempt has been made to eradicate this evil. The punishment which is prescribed for solicitation is not such as would serve as a deterrent. The punishment which is prescribed for these procurers and pimps is not at all adequate. It is, therefore, absolutely necessary that severer and more stringent measures should be enacted to cope with this situation successfully. It would also appear that, in spite of the existing law, nothing has been done and the vice has been on the increase from day to day. There are some people who think that this legislation cannot eradicate this evil unless the people elevate themselves; but we all know that, though by legislation it is impossible to make a community or nation moral, some sort of legislation is necessary, so as to check the practice partially, if not wholly. Lastly, I must also point out that there is an apprehension in some quarters that

there might be an inner meaning in this legislation, and it is this: It is said in some quarters that as there are not sufficient rescue-homes, either of the Hindus or of the Muhammadans, and as there are not sufficient industrial schools in which these girls can be kept, the only result will be that when they will be rescued from pimps and procurers, they will sent to Christian homes, and then they will become Christian converts. There is this apprehension in some quarters, but, to my mind, this is an apprehension which has absolutely no foundation. It is an apprehension which simply exists in the minds of those people who care more for the ordinary formulas and formalities of religion, but not for the essence of religion—I mean the moral elevation of the people. There are also some who think that unless and until you provide sufficient industrial schools for this purpose it would be premature to have a legislation like this; and to them my answer is that this is only the beginning—only the earnest of the future; and as soon as this Bill will be passed into law by this Council, I think the Professor will undoubtedly bring in another Bill for establishing industrial schools and homes for these girls. I therefore hope and trust that this Council in a body will support it. My own impression is that such apprehensions have got no real meaning, have got no real force and, as such, a real beginning should be made towards the object which the Professor has in view. Before I resume my seat, I must again congratulate my hon'ble friend the Professor for introducing a Bill of this nature and for drawing the attention of the members of this Council to the morality of the people of this province.

[illegible] **SYED EMDADUL HAQ** spoke in Bengali in support of [illegible] [illegible]kherji's Bill, a translation of which is as follows:—

[illegible] is considered a detestable thing by in our *Shastras*, but it [illegible] this country without any impediment under British rule in [illegible] [illegible]ented a Bill similar to the one now under discussion, con[illegible] [illegible]t 30 clauses, and I think that the Bill made its appearance in [illegible] before the introduction of this Bill. Some 7 or 8 clauses of [illegible] [illegible]ave been embodied in this Bill. There are some other [illegible] [illegible]t matters in my Bill. When my Bill was introduced, [illegible] [illegible]xpressed sympathy with me, but perhaps they did not [illegible] [illegible]e Select Committee, thinking that a lot of time would be [illegible] [illegible]discussion with me. But I might mention that it would be [illegible] [illegible]r and would serve a more useful purpose if some of the in[illegible] [illegible]visions of my Bill were incorporated in this Bill and th[illegible] [illegible]cussed in Council. As prayer time is nearing, it is th[illegible] [illegible] desire that I should be brief in my speech, and so I on[illegible] [illegible]e motion.

[illegible] **[illegible]NA CHANDRA RAY CHAUDHURI:** I shall not detain the [illegible] [illegible]ch longer as we have had enough of discussion on the

subject. I have only to say one or two words with reference to one of Mr. Syed Nasim Ali's observations, that there is reasonable apprehension in some quarters that these rescued girls might fall into the hands of Christians or be sent to Christian industrial homes. All that I can say is that if they do fall into such hands and be rescued by Christians, it will be a much more welcome thing than their living lives of shame and infidels. I would ten times welcome the idea that they become Christians and be normal human beings than lead a life of shame. From information gathered from my friends I have learnt that these girls are brought from the mufassal and sold to the highest bidders in some parts of Calcutta. The buyers are monied people and can manage to avoid detection or interference by the police. With these words I give my whole-hearted support to the Bill.

The Hon'ble Mr. H. L. STEPHENSON: When the Bill was introduced by Professor Mukherji, I explained the attitude of Government towards the Bill as being one of entire benevolence. The question raises very great difficulties. Government has considered legislation on various occasions, and has even gone so far as to draft a Bill. But they have always felt that in an important question of social advancement of this kind, the initiative ought to come from private members. Government, therefore, welcome the introduction of this Bill and will give any assistance to Professor Mukherji in passing it through the Select Committee and in improving the Bill before its final presentation before the Council.

Mr. PRESIDENT: I have a question to ask you, Professor. Do you suggest Mr. K. C. Ray Chaudhuri's name should be added to the Select Committee?

Professor S. C. MUKHERJI: It was suggested by the Labour member, Babu Hem Chandra Bhattacharji, and I have no objection.

The motion was then put, with the addition of the name of Mr. K. C. Ray Chaudhuri as a member of the Select Committee, and agreed to.

Adjournment.

The Council was then adjourned till 3 P.M. on Wednesday, the 4th July, 1923, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 4th July, 1923, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 97 nominated and elected members.

Starred Questions

(to which oral answers were given).

Improvement of the rivers in the district of Jessore.

*XI. **Babu NALINI NATH ROY:** (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state the result of the investigations for the improvement of the rivers in the district of Jessore?

(*b*) Will the Hon'ble the Member be pleased to state what improvements have been or are being made in regard to the Bhairab?

The Hon'ble [illegible] in charge of DEPARTMENT of IRRIGATION (the Hon'ble Maharajadhiraja Bahadur of Burdwan): (*a*) and (*b*) The matter is under inquiry.

Appointment of Mr. Roxburgh as Chief Presidency Magistrate of Calcutta.

Babu PRAMATHANATH BANERJEA: Will the Hon'ble the Member in charge of the Judicial Department be pleased to state—

(*a*) whether there are any special reasons which have led to the appointment of a member of the Indian Civil Service as Chief Presidency Magistrate of Calcutta; and

(*b*) whether the appointment of Mr. Roxburgh is a permanent or a temporary one?

The Hon'ble [illegible] in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir [illegible]): (*a*) The post is one to which either a member of the Indian Civil Service or a barrister may be appointed. So the question of appointment for "special reasons" does not arise. But

on this particular occasion Mr. Roxburgh, who is a member of the Indian Civil Service, was considered to be the most suitable person available for the post.

(ii) The member is referred to the reply given to a similar question asked by Babu Jatindra Nath Basu in the present sessions of the Council.

*XII(a). **Dr. PRAMATHANATH BANERJEA:** May I ask if no practising barrister was found available for this post?

The Hon'ble Sir ABD-UR-RAHIM: I think I have answered this question in my printed reply.

*XII(b). **Rai FANINDRALAL DE Bahadur:** May I ask a supplementary question, Sir? When is the Government going to announce their opinion on the report of the Retrenchment Committee, a statement of which was promised us by His Excellency the Governor in the July session?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald): The position is this. The announcement was promised in July, but if the Council had been sitting as originally intended up to the end of this month we should have been able to give a statement showing exactly our progress up to date. This Council comes to an end to-morrow and I am afraid I shall not be able to have the statement ready. It has not yet been printed; probably copies will be sent to hon'ble members as soon as they are ready. But if there is any point in which hon'ble members want to know what has been done, Mr. Marr and myself will be glad to give the information.

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): I have allowed this quite irregular conversation between two hon'ble members. But, Rai Bahadur, if you wanted to know what had been done with regard to the report of the committee, you should have put your question on the paper. It does not really arise out of Dr. Banerjea's question. I have allowed it only as a special concession, because I can well understand the anxiety of the members on this subject. It must not happen again.

Unstarred Questions

(answers to which were laid on the table).

Abolition of the special staff employed for Muhammadan education.

59. **Nawabzada K. M. AFZAL, Khan Bahadur:** (a) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether he is aware of the feeling created among the

Muhammadan public by the recommendations of the Retrenchment Committee about the abolition of the special staff employed for promotion of education among the Muhammadans?

(*b*) Will the Hon'ble the Minister be pleased to state whether the Government are considering the desirability of issuing a *communiqué* stating the line of action they propose to take on the said recommendations?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): (*a*) Yes.

(*b*) Government do not consider it desirable to issue a *communiqué*, but a statement will be placed before the Council showing how the recommendations of the Retrenchment Committee have been dealt with and what decisions have been arrived at.

Change of unions in the district of Jessore.

60. Babu NALINI NATH ROY: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state whether the Government are contemplating any change of chaukidari unions or portions thereof by transfer from one thana to another in the district of Jessore?

(*b*) If so, will the Hon'ble the Member be pleased to state what these contemplated changes are?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble M[illegible] Stephenson): (*a*) No such proposal is before Government.

[illegible]estion does not arise.

R[illegible] in the Howrah-Hooghly (Non-Muhammadan) rural constituency.

[illegible]ANINDRALAL DE Bahadur: (*a*) Will the Hon'ble the M[illegible]harge of the Appointment (Legislative) Department be pl[illegible]e whether it is in the contemplation of the Government to [illegible]adjustment in the Howrah-Hooghly (Non-Muhammadan) ru[illegible]ency?

[illegible] Hon'ble the Member taken into consideration the following facts:

[illegible]he number of union boards in Hooghly and Howrah are [illegible]ut 126 and 84, respectively;

[illegible]he area of Hooghly is more than double that of Howrah;

[illegible]t the last election the number of voters in Howrah was [illegible] about 8,000, while in Hooghly it was about 16,000?

(*c*) Are the Government considering the desirability of allotting two seats to Hooghly and one to Howrah?

(*d*) Is the Hon'ble the Member aware that very considerable inconvenience will be caused, if there is any further delay in announcing the decision of the Government in the matter and whether it is the intention of Government to issue orders at an early date?

MEMBER in charge of APPOINTMENT [LEGISLATIVE] DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) Under the revised Bengal electoral regulations published last week the Hooghly-Howrah (Non-Muhammadan) rural constituency returning two members has been split up into the separate rural non-Muhammadan constituencies of Hooghly and Howrah, each electing one member.

(*b*) (*i*), (*ii*) and (*iii*) The reply is in the affirmative.

(*c*) The reply is in the negative.

(*d*) The question does not arise.

Excavation of the Tetulia Sripur khal.

62. Babu BHISHMADEV DAS: Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether the project for the excavation of the Tetulia Sripur khal has been inquired into by his department?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: The question of the excavation of the khal has been inquired into by the local officer of this department and is still under consideration.

Howrah Bridge Scheme.

63. Rai MAHENDRA CHANDRA MITRA Bahadur: Will the Hon'ble the Member in charge of the Marine Department be pleased to state—

(*i*) the present position of the Howrah Bridge scheme; and

(*ii*) how and by whom the cost of construction is to be met?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (*i*) The erection of a single span cantilever bridge, as recommended by the Committee of Engineers appointed to advise on the subject, is now under consideration, and the ability of Calcutta to finance such a bridge has been investigated by a Committee whose report is expected to appear shortly.

(*ii*) Pending the report of the latter Committee no decision has yet been arrived at.

Opinions on the Report of the Bengal Tenancy (Amendment) Bill.

64. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether any opinions have up to date been received on the Report of the Bengal Tenancy (Amendment) Bill, which was published in the *Calcutta Gazette*?

(*b*) If so, will the Hon'ble the Member be pleased to lay on the table copies of those opinions?

(*c*) Will the Hon'ble the Member be pleased to state how many opinions have been received from—

(1) Associations,

(2) Officials,

(3) Members of the Legislative Council, and

(4) Outsiders?

(*d*) Are the Government considering the desirability of introducing the Bill in the Council during the current year?

(*e*) If not, why not?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) Yes.

(*b*) Opinions cannot be laid on the table till the Bill is ripe for intr[illegible]

[illegible] received are as follows:—

[illegible]tions—74.

[illegible]—169.

[illegible]rs of the Legislative Council—5.

[illegible]rs—593.

[illegible]ll be no time to put it through.

[illegible]commodation for girl students of the Bethune College.

[illegible] **AMULYA DHONE ADDY:** (*a*) Has the attention of the [illegible]e Minister in charge of the Department of Education been [illegible] the fact that there is no adequate boarding accommodation [illegible]ho prosecute their studies in the Bethune College?

[illegible]ill the Hon'ble the Minister be pleased to state whether the [illegible]t are considering the desirability of taking necessary

steps for erecting a suitable building for the accommodation of the said girls near the said college and in the meantime to provide a rented house to accommodate at least twenty-five boarders?

The Hon'ble Mr. P. C. MITTER: (*a*) Yes.

(*b*) Land was acquired for the purpose in 1914-15 at a cost of Rs. 1,73,000, but funds have not been available for construction. Government have under consideration a scheme for a new aided hostel in Calcutta.

Inconvenience to passengers on Jessore-Jhenidah and Khulna-Bagerhat Railways.

66. Maulvi RAFI UDDIN AHMED: (*a*) Is the Hon'ble the Minister in charge of the Department of Public Works aware that water trickles down the roof of the Jessore-Jhenidah and Khulna-Bagerhat Railway carriages in such a way that even the first class carriages are unfit for use during the rains?

(*b*) Is the Hon'ble the Minister aware that great inconvenience is felt by the people for want of waiting-rooms for females at any of the stations of the above railways?

(*c*) Is the Hon'ble the Minister aware that the timing of the above railways is never correct and that the engines are bad and often go out of order and that the people are put to great inconvenience thereby?

(*d*) Are the Government considering the desirability of asking the authorities to remove the inconveniences at an early date?

MINISTER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*), (*b*) and (*c*) Government have no information on the subject.

(*d*) The attention of the Railway authorities will be drawn to the subject-matter of the question.

Hostel for girl students at Calcutta.

67. Babu NALINI NATH ROY: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether it is in the contemplation of the Government to establish a hostel for girl students at Calcutta?

(*b*) If not, what is the difficulty?

The Hon'ble Mr. P. C. MITTER: (*a*) A hostel on an aided basis is contemplated.

(*b*) The question does not arise.

Nominated members on the district board, local boards and municipalities of the Pabna district.

68. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) the proportion of nominated members on the district board, local boards and municipalities of the district of Pabna; and

(*ii*) the number and qualifications of such nominated members?

(*b*) Are the Government considering the desirability of introducing the system of voting by ballot in the election of the local boards?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): (*a*) The proportion in each case is 33·3 per cent.

(*ii*) As to the number of nominated members of the district and local boards the member is referred to the reply given to his question No. 199 on the 26th January, 1923. There are six nominated members on both the Pabna and Sirajganj Municipal Boards. The nominated members of these various bodies were selected in view of their status, education or experience in public affairs or as suitable representatives of special communities.

(*b*) This question will be considered in connection with the amend- consolidating Bill of the Local Self-Government Act.

The reclamation of the Bhairab river.

JATINDRA NATH BASU: (*a*) Will the Hon'ble the harge of the Department of Irrigation be pleased to state scheme has been framed for the reclamation of the river whether any steps have been taken to give effect to any

scheme has been framed, will the Hon'ble the Member state at what stage the proposals for the reclamation of irab now are?

the Hon'ble the Member be pleased to state when the expect the scheme to be framed?

n'ble the MAHARAJADHIRAJA BAHADUR of : (*a*) No scheme has been prepared.

preliminary work is now being done and the survey is ed.

ything from a year to two years' time. It is too soon to

Recent happenings at Charmanair in Faridpur.

Babu INDU BHUSHAN DUTTA: May I have leave of the House to move an adjournment of the House to discuss a matter of great public interest and importance, namely, the recent happenings at Charmanair in the district of Faridpur?

Mr. PRESIDENT: I have received the following letter from Babu Indu Bhushan Dutta:—

I beg to give notice that I wish to move an adjournment of the ordinary business of the Council in order to discuss a matter of grave public importance, viz., the happenings at Charmanair in the district of Faridpur during the months of May and June 1923.

Does anybody object? [Pause.] As no objection has been taken, I fix 4-45 P.M. for the discussion of the motion.

Resolutions

(on matters of general public interest).

Withdrawal of Resolution.

Rai Mahendra Chandra Mitra Bahadur being absent, the following resolution standing in his name was deemed to have been withdrawn:—

"This Council recommends to the Government that immediate steps be taken for developing the forest resources of Bengal."

Abolition of whipping.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: I move that this Council recommends to the Government that such early steps as may be considered necessary be taken to abolish "whipping" as punishment for breaches of discipline by prisoners, under the Prisons Act, or under any other rules.

In doing so, I beg to assure this House at the very outset that no consideration of political expediency, no trick for vote-catching at the coming elections, and no spirit of indulgence in a purely academic discussion of one aspect of criminology led me to ask you, Sir, to table it for a full-dress debate. In the name of humanity, in the name of the sanctity of the human body, as the tabernacle of the Divine spark in us, in the name of civilisation and in the name of that "far-off divine event towards which the whole creation is moving" I am asking you in all humility but with all the earnestness I am capable of, to adopt this resolution. I confess that some recent events and some experience of their debasing and demoralising effects have brought

home to my mind the necessity for abolishing this barbarous mode of punishment. No doubt the Whipping Act still continues to disgrace and disfigure our Statute Book, but let it be said to the credit of our Government and the judiciary that whipping as a mode of punishment is nowadays very sparingly resorted to. "Whipping" as a method of punishment in trials for the commission of offences is a quite different thing from "whipping" by jail authorities administered to prisoners already deprived of their personal liberty for breaches of discipline without any trial, and necessarily without the safeguards which a judicial trial naturally implies and guarantees. The Jail Code amply provides for breaches of prison discipline and little peccadilloes of a like nature by such other drastic methods as "confinement in cells" euphemistically called "cellular confinement," penal diet with solitary confinement, handcuffs and fetter links. Are not these punishments sufficiently severe to deter prisoners from breaches of discipline?

I put it to the House—is not the spectacle of a human being tied to a whipping triangle with buttocks laid bare and the ratan applied to them in the presence of hundreds of other fellow-beings, egregiously revolting? I know there are men, who maintain that society would go to fragments, if milder forms of punishment are adopted, in lieu of whipping. I need scarcely dwell upon the mentality of those men who still revel in forms which would befit the denizens of Zululand the Andamans and their cave-dwelling and lake-dwelling forefathers, in spite of [illegible] civilization and growing humanity. They would, if [illegible] as of old, provide capital punishment even for perjury, and go the length of cursing instead of hallowed names of a Howard or a Clarkson. They would be humanitarian teachings of a Buddha, a Chaitanya and effiminate and subversive of the social order! Far from [illegible]y deterrent effect, whipping to my mind is provocative, and brutalizing in the extreme. It is a relic of our past and as such should be wiped clean away from our Statute [illegible]ay be urged against this recommendation that this kind [illegible]at is now very sparingly resorted to. From the Jail [illegible]on Report it appears that in 1921 whipping was inflicted [illegible]ases as against 61 in 1920. But would the social fabric [illegible] and the crash of doom be inevitable, if it is entirely [illegible] Sir, nothing can act as a proper deterrent which repels [illegible] the moral sense; unless retribution or retaliation and not [illegible]e regarded as the basic motive underlying this system [illegible]unishment, there can be no justification for its existence [illegible]ance. We cannot lose sight of the fundamental principle [illegible]law, that the severity of a system of punishment deprives [illegible]*on d'être*. The days of corporal punishment even by way [illegible]cipline are gone. It is a blot upon civilization; let this

blot be removed by our Government and let this Council leave one good and beneficent measure to its credit and thus earn the lasting gratitude of generations yet unborn. That which dulls and deadens the still lingering moral sense of the prisoners and weakens whatever moral fibre they may still preserve or have, is surely not calculated to make them even tolerable members of society when released. Let not the prisoners who are deprived of their liberty temporarily, for their laches and little trespasses, come out of jails, not as reformed and regenerated human beings, but as monsters in human shape.

Babu JOGENDRA NATH ROY: I rise to accord my support to the resolution moved by Rai Nibaran Chandra Das Gupta Bahadur. "Whipping" is considered to be a punishment reminiscent of the rough and ready days when summary methods were in vogue and civilization had not made much progress. This is not the first time that a proposal has been made to abolish whipping as a punishment, except in the army, where salutary punishment may be necessary. I remember, Sir, the late Sir Henry Cotton who was universally respected in India held that whipping as a punishment should be abolished. He belonged to a school of thought, which has been responsible for many humane measures, and it was only fit and proper that he should oppose the retention of whipping as a punishment. The whipping of political prisoners in the jails has attracted the attention of the people of India, and we are aware how it gave rise to a wave of indignation. Whipping is to be objected to on moral grounds. It is degrading and hurts the self-respect of an individual who is not a habitual criminal. It is, as I have already said, a legacy left by a bygone age and should no longer be tolerated.

With these words I support the resolution before the House.

SHAH SYED EMDADUL HAQ: I beg to withdraw the following amendment standing in my name:—

That in item No. 2—

(*i*) in line 2 the word "such" be omitted; and

(*ii*) in lines 2-3 the words "as may be considered necessary" be omitted.

He spoke in Bengali in support of resolution No. 2, a translation of which is as follows:—

Man is but a part and parcel of another man in a sense. If a man is inflicted with punishment, it is but human nature that another man feels for him. The practice of whipping in jails is totally inhuman, and if I be permitted to say, this practice is generally abused. Nobody can deny that whipping tells upon the health of the prisoners considerably. To the respectable people and those who have been incarcerated for holding political opinions, the idea of whipping is

horrible. I understand that there are several members here who are eager to have their say in this regard. I do not, therefore, like to take up the time of the Council. It will be delightful, indeed, if this diabolical practice of whipping is forthwith done away with.

Dr. PRAMATHANATH BANERJEA: I rise to support the resolution. Flogging is an inhuman and brutal form of punishment. The objects of punishment are, first, to reform the criminal, and secondly, to deter others from crime. Now, does flogging achieve either of these two objects? The question has been fully investigated in England and various other countries and the conclusion arrived at is that flogging does not work any real reform in the moral nature of the criminal. On the other hand, it hardens him. Nor does it act as a deterrent. Moreover, the use of the lash is debasing. It debases him who receives it and him who administers it. It is absolutely unsuitable as a punishment for political offenders. These men are quite different from ordinary criminals. Most of them possess the highest character, and are ready and willing to suffer to any extent, if by that suffering they may serve their country. When the Government seek to disgrace such persons it merely disgraces itself. As for the maintenance of prison discipline, surely it ought to be possible to secure this object without resort to a brutal form of punishment. It is often administered in cases of trivial breaches of prison discipline. Dr. J. N. Moitra inquired into certain cases of flogging a few months ago at [illegible] and found that a headmaster of a high school, and a graduate [illegible]utta University, and several other well-known persons were [illegible] no other reason than failure to *salaam* the Superintendent. [illegible] be possible in any other country in the world? I believe [illegible] form of punishment is the legacy from a barbaric age, [illegible] discarded in every civilized country. If the Government [illegible]rve the name of civilized Government it ought to do away [illegible] immediately, at least in the case of political offenders as [illegible]or breaches of jail discipline.

HAMID-UD-DIN KHAN: I rise to support this resolution. [illegible]ment of whipping is considered by all civilized countries [illegible]lizing punishment, and most of them are giving up this [illegible]he Indian Jails Commission has characterized it as brutal- [illegible]moralizing punishment and strongly recommended its aboli- [illegible]the jails of this country. The way in which whipping is [illegible]d outside the jails is a sight for the gods to see and the [illegible]ision for whipping has been condemned wholesale. What [illegible]thin the jails can be better imagined than described. [illegible]e being made to remove whipping from the Jail Code. The [illegible]g Committee in 1921 recommended that whipping in jails [illegible] be for cases of revolt or incitement to revolt and

insult to officers and visitors, but it is a matter of extreme regret that these recommendations found their way into the waste paper-basket. It is a matter of great regret that what suits prisoners of other countries does not suit us, and what is good for other countries is not considered good for us. The resolution proposed seems to me to be a harmless one. In view of the recommendations of the Jails Commission, I do not see any objection whatever to abolish whipping as a punishment for breaches of jail discipline. I hope the time is not far distant when not only the recommendations of the Indian Jails Commission but the provision of whipping will have no place on the Statute Book. With these words I support the resolution.

Babu DEBI PROSAD KHAITAN: I am very gratified to find that Rai Nibaran Chandra Das Gupta Bahadur has brought this matter of whipping in jails to the notice of the Council and ask it to recommend to Government that whipping be abolished. In fact, my experience of jail administration dates back to the date of my birth, and I have found that it is only a bad Superintendent of a Jail that resorts to whipping as a form of punishment for breaches of discipline. In fact, Sir, the really good Jail Superintendent never resorts to this form of punishment. It has been found that when whipping is administered to the prisoner how bad soever he may be, he losses all sense of dignity, all sense of self-respect and from the time that he receives this form of punishment he becomes almost incorrigible. There are other forms of punishment which are more graceful, and at the same time, serve their purpose quite well, that really act as deterrents to the prisoners in committing further breaches of discipline. I understand, Sir, that whipping is no longer practised in England and other civilized countries, and this is a form of punishment which can in no way be called civilized or likely to have the effect it is intended to have.

Under these circumstances I support the resolution of Rai Nibaran Chandra Das Gupta Bahadur.

Dr. J. N. MOITRA: I whole-heartedly support the resolution moved by Rai Nibaran Chandra Das Gupta Bahadur. Whipping as a punishment seems to me to be not only rigorous but the effect of this punishment is to make the person an object of ridicule to his community. The manner in which whipping is resorted to in the jails is so peculiar that no man with any self-respect can endure it. Whipping is carried on in schools, but nobody has ever objected to this form of punishment, where students have their shirts and coats on and some lashes are given on the back. But whipping as resorted to by the jail authorities in the jails means that the prisoner is tied down to a whipping triangle with bars round his neck, with his two hands and legs tied. The man is made naked and in the presence of his fellow-prisoners he

is whipped on the buttocks. The manner in which this punishment is inflicted causes a feeling of disgrace and abhorrence. This is the real reason why people resent this form of punishment. There are other forms of punishment in jails which are no less severe, but people do not attach much importance to them.

There is a medical aspect of this form of punishment. In Faridpur Jail I inquired of the Sub-Assistant Surgeon what measures he adopted at the time of whipping of the prisoners there. He told me that a piece of cloth was dipped in carbolic lotion and some sort of wash was given on the buttock before flogging was administered. The doctor explained to me that there are rules in the Jail Code which should be observed by every medical officer in charge of the jail which prescribed certain methods which should be resorted to before the actual flogging is allowed and the doctor should examine the heart, the pulse, the lungs and the general nourishment of prisoner; and if he certifies flogging may be done. I also inquired of the Sub-Assistant Surgeon whether he does all these things. His answer was neither in the affirmative nor in the negative. He said that he felt the pulse but never used the stethoscope for examining the heart or the lungs He said nothing much was done and the usual practice in the jail is to put some lotion and then allow the prisoners to be whipped. That is exactly not the thing that should be done. A raw wound is made and any medical man will know that septic poisoning and tetanus may be caused by whipping with unclean lashes. Therefore the examining of these unfortunate criminals should be done by, in my opinion, by the Chief Medical Officer in the locality. It [illegible] the Government cannot have a fully qualified or well-qualified [illegible] in charge of the jail for want of funds But the Civil Surgeon [illegible] requisitioned to examine the prisoner or even the Assistant [illegible] do some good. But generally this is not done. There is [illegible]le in medical literature of which a man can know whether [illegible]t to get 20 lashes or 30 lashes In fact, if you ask me I [illegible]u whether any one here is fit to receive any lashes. [illegible] If, however, flogging is not stopped entirely, although I [illegible] support my friend Rai Bahadur Nibaran Chandra Das [illegible] should be entirely abolished—then it should be done on [illegible]he prisoners with their clothes on. That will take away [illegible] indignities which is inseparable from the present form of [illegible] With these few words, I support the motion.

[illegible] **ENDRA NATH MALLIK:** I have not a life-long experience [illegible]ine like my friend Mr. Khaitan nor have I any experience [illegible]n schools like my hon'ble friend Dr. Moitra, but all the [illegible]t the motion. To my mind it is a very degrading form of [illegible]t degrades those who administer flogging and it degrades [illegible]ive it. It should be done away with. It should not be [illegible]on. It does not do good to anybody. It may bring about

serious consequences without anybody knowing it. I have some experience of these things as jail visitor. I know how things are being done there and I think the jail life makes everybody absolutely cruel. I do not think that this form of punishment should be persisted in. Sir, things have got to be changed now. The world has advanced and our ideas have got to be changed as well. We must get rid of this mediæval form of punishment—getting a cane and punishing a person with it. It is very indecent and should never be condoned. My hon'ble friends have spoken in detail about how flogging is administered. It is a most objectionable form of punishment and I do not know why it has not yet been abolished. I think it is high time that it is abolished. Of course whipping administered by way of discipline is quite a different matter. Probably it has done some of us some good. But all the same this form of punishment degrades both the giver and the receiver and therefore it should be abolished.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I beg to support this resolution. It is not a very easy thing. The question is how is jail discipline to be preserved. How is contumacy in the prisons to be prevented? I wish some of the speakers here had pointed out to the Government the way in which these breaches of discipline may be avoided. I do hope that Government will find some means by which that can be done without having recourse to flogging or, as it has been mentioned in the resolution, whipping. Punishment in ancient times was barbarous. Prisoners were regarded as slaves and beasts having no right whatsoever. Jailors had full power over their body. They were lodged in dark houses and flogged and punished in various ways, but the dignity of the human race has asserted itself and it would no longer brook indignities even from the King. Indignities even to the criminals are not tolerated. Therefore, Sir, for the dignity of the human race this form of punishment should be abolished. I am quite sure some means will be found to preserve discipline in the jails, but whipping is reminiscent of the ancient barbaric custom, reminiscent of the times—when man was considered as a slave and a beast—when the dignity of man who is a receptacle of the Divine Light was never appreciated. Sir, man is not a beast and, therefore, he should not be put to any indignity.

Kumar SHIB SHEKHARESWAR RAY: There was a time when in England even the people used to be flogged for being attacked with small-pox. England has long outgrown that spirit. So early as in 1887 the Prisons Act in England was amended and whipping inside jails was practically abolished, being administered only in cases of mutiny and serious assault on the jail officials. When this change was introduced in England there was a howl that the prison discipline would suffer, but experience has proved just the reverse. In 1920 when the Jail Commission was appointed to go over the affairs of the jails in India almost all the non-official witnesses who deposed before the Commission were

unanimous in recommending its abolition in jails in India. Only the warders and other jail officials thought that prison discipline would suffer if it were abolished just like the people in England did years ago. However, Sir, the Jail Commission went into the matter thoroughly and they made an unanimous recommendation on the lines of the Prisons Act in England; and if I remember correctly some time back in this very hall, Sir Abd-ur-Rahim, the then Member in charge, gave us an assurance that whipping would not ordinarily be resorted to at least in Bengal jails. I do not know, Sir, how the matter stands after the transfer of the department to the steel-frame of the Indian Civil Service. It will, however, be found in the Jail Report that whipping as a punishment is on the increase. I hope, Sir, that the Government would now hurry up their decision on the recommendations of the Commission and meet the popular opinion in the matter.

Mr. D. J. COHEN: I support the resolution. It strikes me that in view of the several other methods of punishment, Government should see their way to meet the wishes of the people in this matter.

The Hon'ble Mr. H. L. STEPHENSON: The motion before the Council is that steps be taken to abolish whipping as a punishment for breaches of discipline under the Prisons Act or under any other rules. Sir, I shall follow the mover in ignoring references to political offences. The infliction of whipping as a punishment upon political prisoners does not arise. Further, we are discussing the question of whipping as a [illegible] that may be inflicted upon prisoners only under the Prisons [illegible] Banerjea's reference to the failure of whipping as a form of [illegible] as a moral reformative agency is therefore beside the [illegible] we are not discussing the question of inflicting whipping [illegible] against the Statute Book, but only under the Prisons Act. [illegible] Act empowers the Superintendent of the Jail to inflict the [illegible] of whipping. It also empowers the local Government to [illegible] with regard to what particular offences the punishment of [illegible] be inflicted for. The Jail Code contains rules—statutory [illegible] subject of the infliction of whipping as a punishment, but [illegible] obtain any statutory rules on the subject of the definite offen[illegible] whipping may be inflicted. As I have already pointed out [illegible]es regarding the actual infliction of whipping—the size of [illegible]e circumstances under which it may be done, the medical [illegible] and so forth; and as will be seen from the Jail Administra[illegible] of 1921 that in all cases full details are put on record by the [illegible]on by whom whipping has been inflicted. The Inspector-[illegible] in his annual report: "I examined the punishment register [illegible] myself that in all cases of whipping the punishment was [illegible]. The number of cases of whipping is decreasing steadily." [illegible] have also issued executive orders restricting the infliction of [illegible] out of whipping to cases of mutiny, incitement to mutiny

and serious assaults on jail officers. That brings the practice in Bengal in line with that in England, but I would add a note of warning as regards this lest I may be taken to mean too much. I do not mean that the Jail Department interprets mutiny as only applying to events such as we had at the Presidency Jail; continuous and contumacious refusal to obey orders is in itself a form of mutiny. That is the position at present. Whipping may be inflicted in jails in Bengal not for trivial breaches of discipline, but for mutiny, incitement to mutiny or serious assaults upon jail officers. Well, Sir, what the House has to consider is whether the time has come to take away this form of punishment, whipping, from the Prisons Act. The jail routine is dependant entirely upon discipline. In a debate in this House in August last, I detailed at some length, I am afraid, what my views were as regards the question of discipline in jail, and I think I succeeded in showing that no jail could continue unless there was discipline—an irksome, strict discipline. What is discipline going to rest on in the long run? We are dealing here with the average jail population. We have got to take the worst cases—the toughest cases—into consideration, and we are to decide whether we can do without the punishment of whipping. There must be something in the background which will enforce this discipline. And what is the last resort with which we are going to enforce discipline? Of course in the very last resort we have at our back the muskets of the warders in the case of mutiny when we can resort to firing, but I am sure the House would not wish us to let things go to that last resort. We have got to stop indiscipline before it gets to that. We have to consider not only our own humanitarian ideas—as I explained in August last Government recognise that there is a very strong feeling in the country against the system of whipping—but we have also got to look at the other side; we have got to look at the mentality of the worst dacoits, murderers and so forth. I am sure that many present, who have been visitors of the Alipur Jail, will bear me out that we have in that jail from time to time the dregs of Calcutta. We have retained this sort of punishment as a last resort in the extreme cases of breaches of discipline, namely, mutiny, and this is the only punishment which can keep these people in order, and it is on these people that corporal punishment has the desired effect. In England flogging has not been done away with and that, as I explained in August last, is a very different thing from our jail whipping. Flogging is still an authorized punishment in England for mutiny, incitement to mutiny and serious assaults upon jail officers—the same offences for which whipping is retained in Bengal. The question was considered by the Jail Commission and they deliberately, notwithstanding the recognition of the existence of the sentiment or feeling against whipping, came to the conclusion that the time had not yet come to remove the punishment of whipping from the Prisons Act. The action to be taken on the recommendations of the Jail Commission is still under consideration of the Government of India. The position of this Government is that they have accepted the recommendations of the Jail

Commission that whipping shall be restricted to cases of mutiny, incitement to mutiny and serious assaults upon jail officers. But we do not consider that the time has come when we can safely remove the punishment of whipping. In 1902 the number of whipping cases in Bengal was 220; it has steadily decreased, until it was 61; in 1921, it was 33; then came a sudden jump, which my hon'ble friend the Kumar has just referred to, when in 1922 it jumped up to 73—53 of these punishment were inflicted upon mutineers at the Presidency Jail. I would ask the House to consider very carefully before they record a vote in favour of the removal of this punishment which we have as a last resort in the Jail Code, to consider carefully that during the last year we have had two very serious outbreaks in the Presidency Jail. I think the details of the outbreaks will be within the recollection of this House and I need not go into them again. But I do think that the House will, on reflection, come to the conclusion that the present is not the time to remove this punishment from the Jail Code. Government are entirely in sympathy with the feelings of the House against the punishment of whipping and they have issued executive orders restricting the punishment to the circumstances in which it is inflicted in England, but we do not feel that we should be justified in depriving Jail Superintendents of the powers of inflicting punishment of whipping in the case of mutiny and incitement to mutiny. I therefore trust the House will reject the motion.

Babu SURENDRA NATH MALLIK: May I ask the Hon'ble the Member for information? He has been pleased to say in the course of his speech that the time has not yet come to take away this form of [illegible] May I ask him when does he think that the time is going [illegible]

PRESIDENT: This is not a question, Mr. Mallik. This is not [illegible] you have done this; and the next time you do so I shall [illegible] you very severely.

KUMAR CHANDRA DAS GUPTA Bahadur: I cannot con[illegible] Hon'ble Mr. Stephenson for the question-begging [illegible] has introduced in dealing with the subject matter of this [illegible] of course that expression of sympathy on the part of Govern[illegible]lic opinion regarding the abolition of this system of punish[illegible]ng really comes to nothing, and I am constrained to repeat [illegible] not in the form in which my hon'ble friend Mr. Mallik put it [illegible] form: "When will the time come for the abolition of whip[illegible]ery particular reform there is no particular time. Refer[illegible] made to public feeling, and public feeling condemns this ki[illegible]ment. The Hon'ble the Member says that it is one of the p[illegible]ave to be exercised in extreme cases, i.e., in cases of emer[illegible]gr[illegible]it that the Hon'ble the Member forgets that more serious pu[illegible]t so brutal in their character are ready at hand and it can be [illegible] at any moment in cases of emergency; for instance,

the cellular confinement. I do not know whether the hon'ble members of this House have any experience of what is meant by cellular confinement. I cannot conceive a severe punishment than that. There is also, penal diet, with or without solitary confinement. Men are kept in solitary confinement. I think that we cannot think of a more drastic punishment. Then with handcuffs and fetters we have also the corporal punishment of a kind, but they are not so brutalizing, so demoralizing, so degrading and so repellent to all human feelings and moral sense. Of course, it may be that the Jail Commission in their wisdom did not see their way to recommend the abolition of whipping, but the public opinion of Bengal is not to be trifled with, and it is to give voice to that strong public opinion that I have asked you to permit me to move this resolution, and in that spirit I have moved this resolution. Of course, we are going to recommend to Government to take early steps to abolish it, and it is up to Government to consider whether steps should be taken or not. If public opinion is to be flouted, it is open to Government to do it. I insist upon this resolution being carried by the House as an expression of opinion on the part of the public of Bengal that we do consider whipping a barbarous method of punishment.

A division was taken with the following result:—

AYES.

Afzal, Nawabzada K. M., Khan Bahadur.
Ahmed, Maulvi Azaharuddin.
Ahmed, Munshi Jafar.
Ahey, Mr. S. Mahboob.
Ali, Munshi Amir.
Ali, Munshi Ayub.
Arhamuddin, Maulvi Khandakar.
Azam, Khan Bahadur Khwaja Mohamed.
Banerjea, Dr. Pramathanath.
Barton, Mr. H.
Basu, Babu Jatindra Nath.
Bhattacharji, Babu Hem Chandra.
Bose, Mr. S. M.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Babu Tankanath.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, Rai Narendranath
Choudhury, Khan Bahadur Maulvi Rahmatjan.
Chowdhury, Maulvi Fazlal Karim.
Cohen, Mr D. J.
Das, Babu Bhishmadev.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Rai Bahadur Panindralal.
Dess, Rai Bahadur Pyari Lal.
Dutt, Mr. Ajay Chunder.
Dutta, Babu Annada Charan.
Dutta, Babu Indu Bhushan.
Ghose, Rai Bahadur Jogendra Chunder.
Haq, Shah Syed Emdadul.
Janah, Babu Sarat Chandra.
Karim, Maulvi Fazlal.
Khaitan, Babu Debi Prasad.
Khan, Maulvi Hamid ud-din.
Khan, Chaudhuri Khan Bahadur Maulvi Muhammad Ershad Ali.
Makramali, Munshi.
Moitra, Dr. Jatindra Nath.
Mukherjee, Babu Nitya Dhon.
Mukherji, Professor S. C.
Mukhopadhaya, Babu Sarat Chandra.
Mullick, Babu Nirade Behary.
Nasker, Babu Hem Chandra.
Raikat, Mr. Prasanna Deb.
Ray, Babu Shabendra Chandra.
Ray, Babu Surendra Nath.
Ray, Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. Krishna Chandra.
Ray Choudhury, Raja Manmatha Nath.
Roy, Babu Jogendra Krishna.
Roy, Babu Jogendra Nath.
Roy, Mr. Bijoyprosad Singh.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy, Raja Manilall Singh.
Sarkar, Babu Jogesh Chandra.
Sarkar, Babu Rishindra Nath.
Sinha, Babu Surendra Narayan.

NOES.

Birley, Mr. L.
Carey, Mr. W. L.
Das, Mr. S. R.
De, Mr. K. C.
DeLisle, Mr. J. A.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.

Duval, Mr. H. P.	Mukerjea, Mr. S. C.
Emerson, Mr. T.	Phillip, Mr. J. Y.
Forrester, Mr. J. Campbell.	Rahim, the Hon'ble Sir Abd-ur-.
Goode, Mr. S. W.	Robertson, Mr. F. W.
Hornell, Mr. W. W.	Rose, Mr. C. F.
Huntingford, Mr. C. T.	Roy, Mr. J. N.
Marr, Mr. A.	Stephenson, the Hon'ble Mr. H. L.
McAlpin, Mr. M. C.	Stuart-Williams, Mr. S. C.
McCay, Lt.-Col. David.	Villiers, Mr. F. E. E.

The Ayes being 55 and the Noes 26, the motion was carried.

[At this stage the Hon'ble the President left the Chamber and Mr. Deputy-President took the Chair.]

Pasture Lands.

Maulvi EKRAMUL HUQ: I move that this Council recommend to the Government that provision be made in the next budget to secure sufficient pasture lands for the needs of every district in Bengal.

In rising to move this resolution for acceptance by the Council, I would submit that a resolution of this character has long become overdue. This country is primarily an agricultural country and 70 per cent. of the population has to depend directly on agriculture for their livelihood. It is, therefore, incumbent upon the Government to see that the agricultural stock of the country remain in quality and quantity adequate to the needs of the agriculturists, many of whom, as the Council is thoroughly familiar, eke out a miserable existence from day to day. It is [illegible] known to the Council how, of late years, the condition of the [illegible] country has become so far deteriorated that the working capa- [illegible] agricultural stock has steadily gone down. "The draught- [illegible] Akbar's time, as described in the *Ain-i-Akbari*, could walk [illegible] horses. What is their condition to-day? They somehow [illegible] r weary existence, reluctantly perform their work and have [illegible] iorated that their power of locomotion is nothing in com- [illegible] hat it was in those palmy days. A slight illness makes [illegible] to shake off their disease and renders them permanently [illegible] arly milch-cattle, in Akbar's time, "used to give 20 quarts [illegible] milk a day." To-day the yield per cow a day is less than [illegible] This is sufficient testimony of the serious deterioration of [illegible] country with whose welfare, the welfare of the people is [illegible] ound up. The emaciated cattle which serve so many pur- [illegible] ctically dying of sheer starvation all over the country for [illegible] zing ground. The common land which was the chief [illegible] sistence of our village cattle is being daily encroached [illegible] vitality has so far lowered that they are unable to labour [illegible] ely and fall an easy prey to epidemics that break out. [illegible] is the quantity of total grazing ground in Bengal. Mr. [illegible] wood, I.C.S., in his "Survey and Census of the Cattle of

Bengal, 1915," remarks: " As part of the cattle census panchayets were asked to return the amounts of grazing areas in their unions. The figures cannot be regarded as accurate." And in the Appendix the figures given amount to 3 million acres. It will be seen, however, that out of a total of 3 million acres, the figures of Bankura district alone exceed, according to the report, over a million acres. Considering the state of Bankura, which is ever subject to famine and pestilence and that the condition of the cattle is poor, semi-starved and wretched, the figures of grazing ground for Bankura district are obviously inaccurate, as Mr. Blackwood himself admits, and the accurate figures would not exceed even a quarter of what appears in the report. At any rate, the grazing grounds that are supposed to exist in Bankura is useless for its purpose and it further enlightens us as to the obvious inferiority of lands included as grazing lands which really serve no purpose at all. In fact, any land which serves no purpose whatsoever, is shown as pasture land, so that the quantity may not look absolutely low. Such a diplomatic way of putting up a show ought not to deceive anybody. Lands lying fallow in which grass is not grown but where grass grows naturally in insignificant quantity in a portion of the year are classed as pasture lands. Let us now see what is the proportion of the grazing area to total area in other countries and also the quantity of grazing land per cattle in other countries. In the United Kingdom the proportion of grazing area to total area is 1·3, in Germany 1·6, in New Zealand 1·3, in Japan 1·6, and in Bengal even assuming that the figures given above are correct, the proportion is not more than 1:17.

When we compare the quantity of grazing lands per cattle in different countries the same sad tale repeats itself and we find that Bengal stands poorest in that respect. It is no wonder, therefore, that the condition of cattle in this country has become so much degraded. In the United Kingdom, the number of acres per cattle is 2·707 acres, in New Zealand, it is 9·22, in Japan it is 1·43, in Netherlands 1·5, in Germany 1·3, in Denmark 1·14, in the United States of America ·73, but in Bengal it is only ·125.

The inadequacy of pasture land has formed the subject of various writings and discussions by officials and non-officials. Mr. J. G. Cumming, I.C.S., in his Settlement Report of the Chakla Roshnabad Estate, observes: " On every side is evidence of the cutting up of waste lands for cultivation, and this process will continue. I did not meet with much success in my proposals to the Raj, that they should definitely recognize certain lands at present waste as set aside for grazing. During the survey the raiyats included in their holdings every little plot of waste or semi-waste ground, over which, but for the survey, they would never have bestowed a thought. I fear that after the inclusion of these lands within their jotes, there will be a still greater reduction of the area fit for pasturage." Then Mr. J. R. Blackwood, I.C.S., remarks: " In Bengal at the present time waste land is being encroached upon. In

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Great Britain the opposite tendency is manifested. The tendency there is to throw more and more cultivated land into pasture. Lieutenant-Colonel Raymond observes: "I have consulted the District Officers of Bengal and their reports go to show that the curtailment of grazing lands has taken place, more or less, in almost all the districts of the province. The Deputy Commissioner of Darjeeling says that his district appears to be eminently fitted to illustrate in a striking manner the gradual tendency of the Forest Department to bring, within its reserve, lands which hitherto afforded sufficient space for cattle to graze on. It is apparent that there is a general tendency towards encroachment of grazing lands and it is probable that it will continue if steps are not taken to check it." It is the idea of immediate gain that prompts people to cultivate good-grains on lands used before for grazing. This is undoubtedly a false economic principle. The number and quality of agricultural cattle being already grossly inadequate to the needs, any increase in the land available for cultivation would mean less tillage and diminished production.

Mr. J. R. Blackwood further observes: "The most important circumstance adverse to cattle-breeding in Bengal is undoubtedly the deficiency of pasture. The fact is well-known to the ordinary cultivator, who usually replies when asked the reason for the degeneration of cattle, '*Ghasher arab.*'"

Andrews observes: "More and more land has been used
fo... less and less land has been used for grass. This has been
a ... sighted policy. What I would point out is that such a
poi... which impoverishes the cows, must be, in the long run,
fat... try like India; for it has necessitated the withdrawal of
mi... diet of the people." We have already realized what the
wi... milk from our diet has cost us. We can no longer see
in ... generation that stout, able-bodied class of people of the
old... , but only weak and emaciated skeletons, short in size and
sha... l comparable with the pygmies of epic fame. The result
of ... ncy of pasture land is that the cattle of this country has
be... do the proper work of tillage, the milch-cattle are unable
to ... g but the poorest quantity of milk and good breeds of
cat... tically become extinct.

... ult of this dearth of pasture land is the gradual diminu-
tio... of milk which Mr. Blackwood in 1915 said would not be
mo... seer a day on the average. Matters have since grown
wo... rage yield would now be less than one seer. The milk-
sup... me so scarce, that it is hardly possible to provide the
mi... rement of milk of an individual to one-eight of the popu-
lati... l. As milk and milk-products have been the only source
of ... Indians, who are mainly vegetarians and do not live upon
ani... scarcity of milk has told heavily on the national health.

The death-rate of Indians is, with the sole exception of Chile, the heaviest in the world, as the following table taken from Whittaker's Almanac, 1922, will prove:—

	Death per 1000.		Death per 1000.
United Kingdom ..	14·6	India ..	30·9
Canada ..	15·12	New Foundland ..	10·6
Australia ..	10·5	New Zeland ..	9·5
South Africa ..	11·5	Austria ..	21·9
Belgium ..	15·2	Bulgaria ..	26·4
Chile ..	31·1	Denmark ..	19·4
France ..	19·8	Germany ..	16·2
Italy ..	21·4	Switzerland ..	16·1
Japan ..	21·9	Netherland ..	14·8
Norway ..	13·2	Portugal ..	19·4
Rumania ..	23·4	Spain ..	23·7
Sweden ..	13·8	Uruguay ..	14·8

Latterly, the death rate in India has increased still higher and the Statistics of Public Health in British India, published in the year 1921, show that in 1919 the death-rate in India was 36 per thousand, showing that it has far exceeded the death-rate in any other country in the world. The mortality among infants, too, is appallingly high. In Bengal it was 228 per thousand in 1919 and, barring one or two exceptions, it is also the highest in the world. That this want of milk is the potent cause for this terrible infantile mortality will appear from the observation of Colonel Mactaggart, Sanitary Commissioner of the United Provinces, who says: "By cheapening the price of milk so as to bring it within the reach of the poorer classes more would be effected towards reducing infantile mortality than the presence of any number of trained *dhais* would accomplish." Mr. C. F. Andrews also observes: "I believe that this absence of milk accounts for the increasing weakness of vitality and also for the painfully early age at which people in India die. The infantile mortality in India to-day is greater than that of any other country in the world. It is also due to want of milk that wasting diseases like tuberculosis have risen by leaps and bounds."

Another effect of a highly unsatisfactory nature has been the steady growth in towns of the process of *phooka* employed by the *goalas* in milking cows which causes the greatest economic loss to the country. It is the want of pasture land that is responsible for the milch-cattle passing into the hands of butchers as soon as they get dry. The *goala* finds it impossible for him to support the cow when dry. The Special Committee of the Calcutta Corporation appointed to consider the question of the milk-supply of Calcutta thus observes on this point: "As cows in this country are generally of poor milking capacity and do not give milk without their calves, the *goala* has recourse to *phooka*, a process, which, as the evidence shows, is not only painful but tends to make the cow sterile at least for some considerable time. The *goala* therefore finds it profitable to dispose of his dry cows, though undoubtedly the slaughter of cows, which under different conditions would continue to bear calves

and give milk much longer, results in the long run in the permanent deterioration of the breed and seriously affects the milk-supply of the country, which is already deficient both in quantity and quality." And the Committee came to the conclusion that "milk cannot be produced economically without grazing land." The evil effect of the pernicious *phooka* practice resorted to by the *goalas* is apparent and much can be effected towards reducing this evil if *goalas* can get free pasturages or, at any rate, at moderate cost, for their cattle to graze when dry. Mr. C. F. Payne aptly described the process by which cows are made sterile by the *phooka* process rendering them practically useless as milking animals for a long time as an instance of abominable wastefulness. He observes: "The *goala* usually buys his cows at the beginning of their second lactation period. He then sells the calf and begins to practise the abominable *phooka* on the cows and obtains milk for 6 to 8 months at the most. By the end of that time the cow ceases to give milk and becomes unfit for breeding purposes for at least 2 or 3 years. The butcher is in waiting and, however fine the animal may be, she is sold for slaughter without scruple for a small sum. This is a process which is constantly going on with the best cows in the country. The cruelty of it will probably appeal strongly to my hearers; but what appeals to me even more strongly is the abominable wastefulness of the system." The next point is that want of pasture land is a circumstance adverse to cattle-breeding in Bengal, which has undoubtedly led to steady deterioration and diminution of cattle-wealth in the province.

...lt of this deficiency of pasture land is the poor semi-
star... ... of cattle of this province, and their vitality has become
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this ... ...een proved, the wretched condition of cattle, and as
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then... ... the quantity of fallow land which could be used as
past... ...r quarter from which encroachment upon existing
pasto... ...s the Forest Department. It is to be regretted, as will
appe... ...report of the Deputy Commissioner of Darjeeling, that
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well-demarcated lands which the villagers use for grazing their cattle. No such system is in vogue in this country or, if there was, it has now disappeared. The following statistics will show how more and more land is thrown open to pasturage in Great Britain and America:—

	1891.	1920.
Great Britain ..	.. 21,180,000 acres	29,813,000 acres.
Ireland ..	.. 12,348,000 ,,	..
New Zealand ..	.. 8,698,897 ,,	16,125,365 ,,
Denmark ..	.. 2,625,865 ,,	.. ,,
France ..	.. 4,968,741 Lectares	..
Germany ..	.. 10,944,570 ,,	..
Netherlands ..	.. 1,153,084 ,,	1,301,037 (in 1907).
United States of America	.. 39,132,890 acres	57,915,000 acres.

Under the circumstances it is essential for us to keep within the province a minimum quantity of pasture land to provide for the bare needs of cattle in the province, thereby removing the policy which has been justly characterized as "short-sighted" by C. F. Andrews. In determining the proportion, due importance is to be attached not merely to the number of cattle but also to the needs of the population with reference to milk-supply. The fair estimate would be 10 per cent. of the total land area. Even some Indian States have done so, and in many other States grass is reported to be so abundant that no special steps seem to be called for, and in these latter States the condition of cattle is satisfactory and the milk-supply abundant. Let us now see what the States of Baroda and Mysore have done for cattle-grazing. In Baroda, provision for pasture land has been made in the State Land Revenue Code and the rules made thereunder, by which 5 per cent. of the village land in advanced taluks (called *rasti mahals*) and 10 per cent. in *rani mahals* (backward taluks) are set apart as pasturages.

In Mysore the rules for allotment of free *gomal* (pasture) lands are as follows: For 100 head of cattle, 30 acres of good pasturage or 50 acres of middling land or 100 acres of inferior land are allotted for pasturages in every village, and boundary marks of a substantial character are erected so as to define the common grazing land of each village. In Jubbal State, cattle-grazing is free in demarcated or undemarcated forests.

The subject of increasing the pasturages in the country came up for consideration before the Board of Agriculture and the proceedings of that body for the year 1907 show that the Bengal district officers recommended the following measures:—

(1) The reservation of existing grazing lands by legislation.

(2) Owners be prohibited from leasing out their grazing lands to tenants for crops.

(3) The zamindars and landholders to see that a fair share of their land is always preserved for grazing purposes.

and give milk much longer, results in the long run in the permanent deterioration of the breed and seriously affects the milk-supply of the country, which is already deficient both in quantity and quality." And the Committee came to the conclusion that "milk cannot be produced economically without grazing land." The evil effect of the pernicious *phooka* practice resorted to by the *goalas* is apparent and much can be effected towards reducing this evil if *goalas* can get free pasturages or, at any rate, at moderate cost, for their cattle to graze when dry. Mr. C. F. Payne aptly described the process by which cows are made sterile by the *phooka* process rendering them practically useless as milking animals for a long time as an instance of abominable wastefulness. He observes: "The *goala* usually buys his cows at the beginning of their second lactation period. He then sells the calf and begins to practise the abominable *phooka* on the cows and obtains milk for 6 to 8 months at the most. By the end of that time the cow ceases to give milk and becomes unfit for breeding purposes for at least 2 or 3 years. The butcher is in waiting and, however fine the animal may be, she is sold for slaughter without scruple for a small sum. This is a process which is constantly going on with the best cows in the country. The cruelty of it will probably appeal strongly to my hearers; but what appeals to me even more strongly is the abominable wastefulness of the system." The next point is that want of pasture land is a circumstance adverse to cattle-breeding in Bengal, which has undoubtedly led to steady deterioration and diminution of cattle-wealth in the province.

...sult of this deficiency of pasture land is the poor semi-
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so ... an epidemic breaking out almost the whole flock die out.

... the state of pasture land in this province; the result of
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(2) Owners be prohibited from leasing out their grazing lands to tenants for crops.

(3) The zamindars and landholders to see that a fair share of their land is always preserved for grazing purposes.

(4) The existing grazing lands should be demarcated and the local officers should be directed to report further encroachment, which must be disallowed. Also a register of existing grazing lands might be maintained in the district and subdivisional offices.

(5) The preservation of lands for pasturage may be effected through the agency of the new chaukidari union system by reserving lands for a convenient group of villages, if Government gives the power to do so by some legal enactment.

(6) Reafforestation of the Forest Department.

I am afraid that nothing has so far been done to give effect to the excellent recommendations of the district officers of Bengal and my resolution only seeks to give effect to the above proposals. It is high time that something should be done in this matter and I would suggest that Government should immediately demarcate existing grazing grounds now entered in the various records. Then it should acquire gradually additional grounds at the cost of the State. To minimise this cost, the Government should make an offer to the zamindars by which an agreement may be drawn up, Government giving up half the revenue assessment for the area and the zamindar undertaking to allow grazing of cattle there at an exceedingly moderate charge; the number of cattle allowed to be grazed and the charge should be fixed in the agreement and a mixed bod[illegible] and non-officials being allowed to inspect the field at an[illegible] to the due performance of the agreement. Then the m[illegible] district and local board funds should, by legislation, be ma[illegible] for taking lease of grazing grounds, cultivating superior qu[illegible] (say, Guinea grass) on the same and allowing grazing eit[illegible] exceedingly moderate charges. I would prefer free gra[illegible]ent number according to priority of application. Village pa[illegible]ld also be endowed with powers to form village common wit[illegible]isdiction. The land on both sides of railway lines where gra[illegible]uld be thrown open for grazing. Where the railway its[illegible] the State, the process of restoring superfluous land fen[illegible] Railway Companies on both sides of the railway line can be [illegible]hout the least delay. The landlords' fee, which, under sec[illegible] the Bengal Tenancy Act has been forfeited to the Govern[illegible] also be utilized for the purpose. Lastly, I would suggest [illegible]ey is urgently needed in the country and the Governme[illegible]d out what could be done with waste lands all over Ind[illegible]ite possible that large grazing grounds even now exist, wh[illegible] neglected. But this process alone would require a len[illegible] that cannot now be spared considering the very urgent uee[illegible]tate action. I would accordingly urge the method of set[illegible]e zamindars and the other ways. In the meantime the sur[illegible] badly needed, may be made and in course of time let it

fructify. A yearly provision of 10 lakhs or at least 5 lakhs in the budget, and the carrying out of the recommendations made, will supply one of the greatest needs of the country.

Mr. PRASANNA DEB RAIKAT: I rise to support the resolution of my esteemed friend, Maulvi Ekramul Huq. Before I proceed any further I would like to point out to the House that some time ago it passed a resolution which stood in my name in connection with the improvement of cattle. I already submitted my reasons in that resolution why it is essential to secure sufficient pasture land for the needs of every district in Bengal.

I regret very much to remark that nothing has been done so far to improve the condition of cattle. I do not like to waste the valuable time of the House by repeating the same old stories and so I do hope the House will consider the necessity of providing suitable pasture land for the improvement of cattle at the earliest opportunity the want of which threatens the vital interest of this agricultural country.

SHAH SYED EMDADUL HAQ moved, by way of amendment, that item No. 2 be amended as follows:—

(i) after the word "made," in line 2, the words "as far as possible" be inserted; and

(ii) the following words be added at the end, viz., "and that the union boards and panchayeti committee be directed to take special care of these lands."

[At this stage, the Hon'ble the President returned and took the Chair.]

Shah Syed Emdadul Haq addressed the Council in Bengali, a translation of which is as follows:—

The mover of this resolution has fully dealt with the problem from the point of view of the Westerners, and I do not, therefore, see any necessity to go over the same ground again. I would, however, confine my observations from the Eastern view-point. A perusal of old Indian literature, the Ramayana, the Mahabharata and the Manu Sanhita, clearly establishes that one-sixth, and sometimes one-eighth, of the produce of the soil was set apart for the Government in order to meet the charges for the administration of the country. The Government, in its turn, reserved sufficient pasture lands and distributed them to the tenants without any rent. During the Muhammadan régime, the same system obtained so far as pasture lands were concerned. But, Sir, during the British rule in India not only has the splendid old system been completely abolished, but even a bit of land has been rented. Thus, there is a scarcity of pasture lands in this country. Sir, I have attended several meetings held in the districts of Mymensingh and

Bakarganj, and have invariably noticed that resolutions were carried there for the improvement of pasture lands and the attention of Government drawn in this direction. As the Hon'ble the Minister might perhaps argue that the financial condition of the Government is very bad, I have suggested the insertion of the words " as far as possible " after the word " made," so that the Government might accept the resolution. And with a view of imposing certain responsibilities upon the union boards and the panchayeti committees, I have added a few words at the end of the resolution. I appeal to the Government to accept this resolution as amended by me.

Motion for adjournment.

The Charmanair Incident.

Mr. PRESIDENT: It is now a quarter to 5. The further consideration of this resolution will stand over. We will now take up the motion for adjournment of Babu Indu Bhushan Dutta

Babu INDU BHUSHAN DUTTA: It is with a sense of deep shame and indignation that I rise to move an adjournment of the ordinary business of the Council in order to discuss a matter of grave public importance, viz., the recent serious allegations of police outrage on the people of Charmanair in the district of Faridpur. The allegations made in some of the papers have been so serious and the nature of the outrages reported to have been committed, has been of such a revolting nature that it is a pity that the recent Government *communiqué* issued on the 2nd July last has dealt with the matter in such a cursory manner. The *communiqué* says that the Government have decided to take legal proceedings against those who have given publicity to defamatory statements regarding their officers. I must say I am rather suspicious of these defamatory proceedings, but in this case I am glad to hear of this, because I feel, as many others have felt, that truth and absolute truth must be found out. It is due not only to the suffering people, but doubly due to the prestige of the police and the Government that we should know the most impartial and unvarnished truth about the incidents that have clouded the sky of Faridpur for more than a month and a half.

The main facts are simple enough. There was a dacoity at Charmanair. The police of a neighbouring thana got clue of the apprehended dacoity and went in pursuit of the dacoits—outside their own jurisdiction. This is, of course, very praiseworthy of the police. There is, no doubt, about it. So far, things seem to have gone smoothly enough. The police in their natural desire not to lose sight

of the dacoits followed them to a place which was out of their jurisdiction—because Charmanair is in thana Sadarpur, whereas the police belonged to thana Sibchar. Here, the first Government *communiqué* is strangely silent as to whether the Sibchar police had taken steps to inform the Sadarpur police that they were following the dacoits in the Sadarpur area—that they were going beyond their own jurisdiction——

The Hon'ble Mr. H. L. STEPHENSON: I rise to a point of order. All this portion is *sub judice*.

Mr. PRESIDENT: I am very sorry, Indu Babu, that you should have embarked upon this. You have heard my ruling that no matter which is *sub judice* should be touched upon or discussed. You must realise that I cannot allow the discussion of any matter which is *sub judice*. I really wish you to leave out anything which is *sub judice*, and you know perfectly well what matter is *sub judice*.

Babu INDU BHUSHAN DUTTA: I am sorry that Government should consider this *sub judice*. I never knew of this before. There is no mention of it in the *communiqué*.

Mr. PRESIDENT: All right.

Babu INDU BHUSHAN DUTTA: Then, Sir, either owing to some misapprehension—I hope this is not *sub judice*.

Mr. PRESIDENT: Please go on. You will very soon know whether it is.

Babu INDU BHUSHAN DUTTA: Very good, Sir. I find there was evidently some misapprehension in the minds of the people or it may be that there was "instigation by evilly disposed persons" as suggested in the Government *communiqué*. The people of the locality fell upon the police and attacked them most mercilessly. Now there is no doubt that this was a most barbarous attack committed upon the police, but why did the people do it? That is the point at issue. I cannot understand the theory of misapprehension, because it was——

The Hon'ble Mr. H. L. STEPHENSON: Perhaps I may explain that the whole of the incident relating to the dacoity on that particular night is *sub judice*. A case is being tried against certain villagers for attacking the police on that night. Therefore, anything that occurred on that night is *sub judice*, and Government are unable to touch upon that. I understand that Indu Bhushan Dutt's motion for adjournment refers to incidents from the 18th onwards.

Mr. PRESIDENT: Let us blot out all that happened on that night.

Babu INDU BHUSHAN DUTTA: All right, Sir. After the happenings of that night, it is alleged that the police, as a sort of punishment on poor villagers, resorted to most barbarous reprisals. The allegations of reprisal are so serious that we wonder no non-official committee of inquiry has been appointed to make a sifting inquiry on them. Allegations have been made that women were raped, houses broken, people assaulted and one man even beaten to death. On the face of these allegations, Government have issued a *communiqué* on the 2nd July, and though there were various statements issued by many inquiring bodies like the Congress Committee and the Anjuman Islamia, I should content myself to touch only on the Government *communiqué* and discuss its contents. I have taken the trouble of meeting Dr. Pratap Chandra Guha Ray, Babus Subhendra Mohan Bose and Jatin Bhattacharji who have been referred to in the Government *communiqué* and who made personal inquiries into the allegations regarding the atrocities committed in that village. I have seen the evidence collected by them. I have heard from their lips the tales they gathered from the villages. If even a part of the tales told by them is true and I do not see any reason why they should not be true, then all I can say is that an awful outrage has been committed and the Council must cry aloud for a full inquiry and proper justice. The dacoity took place on the 16th May, a Deputy Magistrate and a Deputy Superintendent of Police were in the village on the following day to make arrests, but such was the terror of the people that they left their homes and their women-folk behind. The Government *communiqué* says that the Deputy Magistrate left on the night of the 18th and the police were left till the 27th, when they were withdrawn, because the villagers were so afraid of the police, that they would not come back to their homes. This is a rather a curious certificate for the police—a whole village is deserted at their presence! However that may be, on the 5th June, the Superintendent of Police makes a sudden descent on the village, searches houses, attaches the property of the absconders and arrests 31 men, under orders of a court of law.

On the 5th June, these men were arrested and sent to Faridpur. These men were examined in the jail: even as under-trial prisoners, confined within the four walls of the jail, some of them made allegations that the women of the houses had been pushed, slapped or roughly spoken to by the police and yet no one seems to think of making any inquiries into these allegations. No, not till the 15th June, when the Magistrate hears the awful stories of alleged rape, murder and other atrocities. On the 17th he sends two Deputy Magistrates who had already been in the *char* twice and yet had heard no reports of these allegations. The Magistrate cannot go the same day, because the boiler of his steam launch was being cleaned. May I ask what would this Council think of the Commander of an Army,

[illegible] was not ready? How could the Deputy Magistrate go? Do the Deputy Magistrate belong to a service which can rise to an emergency, which the "heaven-born" cannot? Is it desirable to waste time in emergency by such flimsy excuses? Were there no other conveyances? However, the Magistrate goes to the scene and investigation proceeds. We are told that he made house-to-house visits. May we know how many houses did he visit? A statement made by Babu Subhendra Bose says that he visited only 14 or 15 houses in a village consisting of more than a hundred houses. Then, comes the result of the inquiry. He makes inquiries—women questioned as to whether they had any complaints to make of oppression by the police alleged that they had been abused in rough language and in some cases they had been held by the hand or arm. The Magistrate's finding is that the woman was being detained by being held by the hand while she was being questioned! A very nice explanation indeed! The women had been left behind, they had not fled. There was no danger of their going away, yet they were being held by the hand or arm. Does not the Magistrate know that the mere touch of a stranger is regarded as pollution and dishonour by the women-folk of this country?

This is not enough! He goes on to make inquiries about the serious allegations of rape! There is the case of the widow of Manirudding—she makes the allegation in all seriousness before the Magistrate, she is supported by her sister-in-law and because she said that she would be unable to identify the man, the finding of the Magistrate is that "the evidence on this case, taken by itself" is inconclusive. I confess I do not understand this finding at all. Has it ever occurred to the Magistrate that even the lowest class of woman hesitates a hundred times before she admits an attack on her chastity?

Then there is the complaint of an elderly beggar woman. She also complained of rape. The Magistrate disbelieves her story, because forsooth he finds, the place of occurrence, viz., a jute field shows no trace of broken plants—a month after the incident! and that there were three houses within 60 yards. Evidently it did not strike the Magistrate that the houses might have been deserted. Then, there were the daughters-in-law of Ram Kanta Mal. They alleged that they had been prodded by the police with the butts of their rifles. I shall not go on with these nauseating stories. The inquiry held by the Magistrate has not at all been conclusive. He simply disbelieves the stories. Belief or disbelief is a personal question; we also can believe and disbelieve; unless there is very strong evidence to the contrary, we cannot treat these matters so cavalierly. Then, there are the stories of the damage to the houses. The last but not least of these horrible allegations is the alleged beating to death of Gaizuddin. This

man died on the 20th May. The Deputy Superintendent of Police saw him on the 18th May. The Deputy Superintendent of Police not only saw him, he spoke to him and noticed that he was suffering from a disease which was believed to be epilepsy. I do not know since when the police officers have developed their power of medical diagnosis. The allegations are that the man was severely beaten, that his bones were broken. One would have thought that an examination of his body, taken out of the grave, would have solved the mystery once for all. But this idea does not seem to have occurred to anybody? A man dies and is buried 15 miles away from the place of his death—this is the allegation. And yet no suspicion is aroused! I am astonished that such serious allegations have received such scant notice from the authorities. The deepest feelings of the people have been stirred, the most sacred sentiments of the whole nation have been wounded. Justice demands that the real truth must be known and the guilty suitably punished. This can only be done by a full inquiry by a mixed committee of officials and non-officials. The sacred name of India's womanhood demands the fullest justice. Let not the Government think that this is a matter that can be lightly brushed aside!

Dr. JATINDRA NATH MOITRA: Within the brief space of a year and a half since the unhappy incidents in the Faridpur Jail the district of Faridpur has again been convulsed by an incident at a place called Charmanair, which is about 20 miles from the headquarters. The two *communiques* that have been issued by the Government, one on the 12th of June last and another, day before yesterday, have filled the minds of the people of Faridpur, if not of all Bengal, with consternation. Seldom have the people of Bengal been stirred up to such depths of resentment and indignation and seldom have Government been faced with a similar situation which, like fire, if not properly and adequately handled at the earliest possible opportunity will, I am afraid, roll in volumes from one corner of Bengal to another. Sir, we are all familiar with the usual methods of police oppression in this country, but they seldom attract notice unless the honour of women is trampled or the sanctity of the harem violated. Such a state of affairs is alleged to have occurred in Charmanair, and I appeal to Government with all the emphasis that I can command, and I appeal also to the members of this Council, irrespective of caste and creed, to stand by the unfortunate people of Faridpur, in this, the hour of their sorest need.

Charmanair is a small village about 20 miles from the headquarters of the district of Faridpur. This village is inhabited mainly by Muhammadans and Namasudras. There is hardly any educated man in this particular village, and there are not many well-to-do persons. I shall state the bare facts as have been announced by the Government themselves in their own *communiques*, not because I do not believe the statements of our countrymen, the members of the Congress party, but because I

think sufficient materials will be found in the Government *communiqués* themselves to show the extent of damage to property done and the extent of terrorism displayed by the police force in this particular village. On the 16th May last at about midnight there was a dacoity in this particular village; the inmates of the houses were roughly handled; some of them were tied to posts with rope and their property ransacked. Some of the villagers who assembled there chastised the dacoits but amongst those some men were found who declared themselves belonging to the police.

The Hon'ble Mr. H. L. STEPHENSON: On a point of order, Sir. This is a matter which is *sub judice*.

Mr. PRESIDENT: Dr. Moitra, you must try to follow the example of Babu Indu Bhushan Dutta. There should be no reference to what happened on that night.

Dr. JATINDRA NATH MOITRA: I was only quoting the *communiqué*.

Mr. PRESIDENT: The *communiqué* or no *communiqué*, we cannot have a discussion on any matter which is *sub judice*.

Dr. JATINDRA NATH MOITRA: All right, Sir. It happened somehow that some police officers were roughly handled by villagers at the time of the dacoity and were confined in the huts there. They were rescued by another police force from a neighbouring thana the next morning, that is, on the 17th of May. The police remained there the whole day and night, and on the very next day, *i.e.*, the 18th May it was found, as has been stated in the second Government *communiqué*, that the whole village was practically deserted by the male population. Why the male population went away, it is for you to surmise. The police remained there from the 17th of May up to the 27th of May—full ten days. They were there to find out the culprits who apparently had belaboured the police on suspicion that particular night. Fortunately or unfortunately for the villagers, there was no return of any of these absconders, and the police force, after remaining there for full ten days, returned to the headquarters on the 27th of May. From the 27th of May up to the 5th of June there was not much *golmal*. On the 5th of June, however, a large contingent of police—one Superintendent of Police, 12 police officers and 48 men, one Deputy Magistrate (by men I understand constables)—altogether 60 or 61 men—suddenly made a descent on that village—I am quoting from the *communiqué*—made a sudden descent on the village—as if from Heaven. Now, Sir, this police force—61 in number—remained there the whole day and night, arrested 31 men, and returned to the headquarters on the 6th of June. On the 12th of June, that is, full six days after these

arrests, Government very kindly published a *communiqué* in which, however, there was not the slightest mention of these arrests! I think that is an indisputable fact. In the same *communiqué* of 12th June there is no mention even of the fact of this depopulation, nor any reason why so many people kept away from their hearth and home for such a long time vouchsafed. Gradually, however, news began to filter through the small village, through the thanas and headquarters; and we in Calcutta began to be informed from various quarters about the horrible atrocities meted out to the people there. From a previous experience of such matters I thought it wise to remain silent in order to know the truth and nothing but the truth. On the 12th June, as I have already said, the Government issued a *communiqué*. On the 18th of June, as the second *communiqué* says, the District Magistrate sent two Deputy Magistrates to investigate the allegations, and he himself, with the Superintendent of Police, some other officials, and 14 constables, started and reached Charmanair on the day following. In other words, about one month and two days elapsed after the actual incident of dacoity and alleged tortures on the people before the Magistrate could find time to investigate the case personally. The Magistrate went there with a large number of police constables, and he probably thought that the villagers would be ready to supply him with information against the police before the immediate presence of so many *lal pagris*. That was his idea. No one ventured to approach the District Magistrate to give him the necessary information, and finding that his efforts did not produce the least result, he very kindly went from house to house to make personal inquiries. Even assuming that the male population of the village did wrong and they were telling lies, the Magistrate himself with his own ears heard complaints from four to five women who in the presence of this mighty ruler told him that they had been raped. The Magistrate—I find in the *communiqué*—did not think it necessary and worth while to believe their statements. Now, Sir, in this country if a woman admits that a rape has been committed on her it is under the direst of necessities that she does so. It is more so when she can be persuaded to speak before a foreign ruler about the violation of her chastity. Even these statements were not believed by the District Magistrate, although he had the candour to state in the official *communiqué*, that some cases of rape were corroborated by relatives or neighbours. Comment is of course needless. But the matter is so urgent that every moment which the Government will lose to have a proper inquiry made about this affair, every moment they will slip away, will not produce ease in the minds of the people, but it will produce an impression that Government are bent upon white-washing the conduct of the police. The sooner the Government try to sift the matter threadbare, the better will be the days of British rule and better will it be for the peace and contentment of the country.

Mr. PRESIDENT: I want to make it quite clear to members of this Council that I gave a certain latitude to Dr. Moitra because he is a

member of the division in going into the dates and facts which are already known to the House. Anybody who wishes to comment on the *communiqué* can do so, but I cannot have a long recounting of an incident over and over again.

Khan Bahadur RAHAMATJAN CHOUDHURY: As I come from Faridpur district I am expected to speak a few words about the unhappy occurrences which have taken place at Charmanair within the jurisdiction of Sadarpur police-station in the Sadar subdivision of Faridpur. I am in sympathy with the motion moved by my friend, Babu Indu Bhushan Dutta. It is the duty of every Government to make sifting inquiries where their own servants are suspected to transgress the bounds of law and to go to the length of depredations and ravages which are heard of the victorious barbarian soldiers of old. I am not sure if all the barbarian and inhuman actions that are said to be committed by the police at Charmanair are correct But it is probable that they have gone beyond the bounds of law and have deliberately misused the power they are vested with.

May the Government think it proper to appoint a committee to make a thorough inquiry about the unhappy incident in order to satisfy the public.

Babu ANNADA CHARAN DUTTA: My friend, Babu Indu Bhushan Dutta, seems to have an inexhaustible store of energy and courage and he may be excused for his exuberance of feeling as he has had no scratch in life There have been numerous such cases within the life-time of this Council, from the Chandpur affair down to the one under discussion, and all of them have got a family likeness. They have never been subjected to independent inquiries, not even to joint inquiries of officials and non-officials, though sometimes that has been asked for. In my experience of the Gurkha outrage at Chittagong, I know that it is hopeless to expect a fair inquiry in such matters. In this case, the Government of Bengal states at the end of the *communiqué* that the Government are satisfied that any one who had any complaint to make had had ample opportunity to do so and that their serious allegations had been subjected to the fullest investigation. That is the point. From my own experience as aforesaid I say that when we ask for it we do not get it. There is some sort of official inquiry and that is all and sufficient to whitewash the whole affair In Chittagong I know that respectable people had gaping wounds to show, but the result of the official inquiry into the Gurkha outrage was justification and justification on the real or imaginary finding that stones were thrown in the direction of the Gurkhas; and therefore the Gurkhas commenced beating pell-mell. That was the sort of justification. Here in this case the Magistrate held an investigation which has been characterized as "fullest" and he disbelieved this story and

that statement because some men of the searching party said something to the contrary or because one batch of witnesses partly contradicted the other batch of witnesses. No thorough inquiry was made, no judicial trial was held, and still it is characterized as the fullest investigation. It is well known that whenever civil or military police is molested—as has been admitted in this case—a spirit of retaliation in order to maintain their *izzat*, in order to preserve their power and prestige, takes possession of them and the first thing they do is to raid upon the poor locality, with the result that before or after the arrival of the police the people fly away. This happened in this case, too. The police admittedly were there for several days and they were certainly not there to enjoy themselves without doing any harm to the people. Something must have been done to the people by persons who were in possession of the village to compel them to fly away. We know from experience that in inquiries like these it is ten to one that people would not come forward to give evidence. And what is the utility? In the Gurkha outrage case many respectable people came and deposed, but they were disbelieved, because one or two constables said something to the contrary. In that case Government had employed a senior pleader on Rs. 100 a day——

Babu NITYA DHON MUKHERJEE: Is this in order, Sir? What happened in Chittagong has no bearing on this case.

Babu ANNADA CHARAN DUTTA: I am not going into the facts of that case. But I started my case by saying that there is a sort of family likeness in all these cases.

Mr. PRESIDENT: Yes, you can refer to the Chittagong case by way of illustration, but you must use some sort of moderation.

Babu ANNADA CHARAN DUTTA: I find that I am relevant. In this case, too, there has not been a real investigation—an investigation which was called forth by public rumours against the reputation of Government officers, against the police on whom the life and property of the people depended. This investigation should not have been made by a single Magistrate, however highly placed he may be. It ought to have been a joint inquiry of officials and non-officials, and in that case, if the finding had been against the people, then the Government could have saved its face. Without that being done, can this inquiry be called the fullest investigation? Even from the *communique* it appears that at least in two or three cases there was specific evidence which would be sufficient for the purpose of trial. But in these cases the Magistrate simply says that he disbelieves the stories and that is enough. The Government of Bengal characterises that as the fullest investigation. As I began by saying, there is no utility in wasting time over a discussion of this matter. The more we discuss

this matter, the more we are convinced that because the police *izzat* must be kept up, therefore the immediate superiors of the police—be they Superintendents of Police or officers of the Magistracy—cannot avoid whitewashing their subordinates and justifying their conduct. And so long as they continue to do this, there is no hope for us and no useful purpose will be served by a discussion here. The last counsel is the counsel of despair and for myself I despair of getting any remedy. My friend, Babu Indu Bhushan Dutta, has, as I have said, a fund of inexhaustible energy and may be sanguine, but I am not.

Babu NITYA DHON MUKHERJEE: I am really ashamed to see that our own countrymen are said to have committed serious offences for which we have got to approach Government for taking necessary action. I will place before the House three points which are admitted facts in the *communiqué* published yesterday, and I hope the Hon'ble the Member in charge of the Department will kindly reply to them.

My first point is that it is stated in the *communiqué* that: "The police having received information of the intended dacoity arrived while it was going on and arrested three of the dacoits. Subsequently the villagers assembled and, either through misapprehension or at the instigation of evilly disposed persons, charged the police with dacoity, overpowered and severely assaulted them, and kept them confined until they were rescued by another police party on the following day."

Mr. PRESIDENT: The case of dacoity is *sub judice* and you must make no reference to it.

Babu NITYA DHON MUKHERJEE: I am not commenting on the dacoity. I will read out certain portions from the *communiqué* so that my comment on them may be followed by the House. Now, Sir, according to law whenever any police officer goes out of the thana or depute any, on public duty, the fact must have to be noted in the station diary. Therefore the question is whether any such fact has been entered in the station diary by the police officers or by any one of them. If not, or if there is nothing in writing to show that before they were out of the thana, they put that fact in writing, the inevitable conclusion is that they must have committed the dacoity.

Mr. PRESIDENT: By what you state, you are practically giving a judgment in this very case.

Babu NITYA DHON MUKHERJEE: I have not yet finished my comment on these points. I will add only one sentence which will make everything clear, *i.e.*, I hope that the Hon'ble the Member in charge will satisfy the House on these points by informing us whether there was any entry in the station diary or not.

Mr. PRESIDENT: You are entitled to ask that information, but whether it will be supplied to you is quite another matter.

Babu NITYA DHON MUKHERJEE: I now quote another sentence from the same *communiqué* which is as follows:—"On the 18th May it was found that a large proportion of the inhabitants of the village had absconded and as they remained away, the investigation was making little progress." It is, therefore, admitted that the villagers left their comfortable home and hearth for several days just after the dacoity was committed. The question naturally arises why these people should leave home and stay away from there for several days? It is further admitted that some police officers were assaulted and kept confined in the night of the dacoity and larger number of police officers and men went from headquarters and rescued them. The natural conclusion, therefore, is that these police officers must have wreaked their vengeance upon the villagers for which they had to leave their home and go away for shelter. I hope the Hon'ble the Member in charge will please throw some light on this point for the information of the House.

My third and last point is this. It is stated in the *communiqué* that: "A few of the prisoners who were examined in the jail alleged that the women of their houses had been pushed, slapped or roughly spoken to by the police when searches were being made." Now the question is whether the Magistrate inquired into the conduct of the police officers who are said to have pushed, slapped or roughly spoken to these women. If not, the Magistrate must have disbelieved their statement; but is there any reason to do so? On the other hand, if these persons had stated that they had committed dacoity, that statement of theirs would have been believed and, perhaps, they would have been convicted on that statement. There ought to be an inquiry on the facts elicited in the statement, and we hope the Hon'ble the Member will please let the House know why no inquiry was made.

SHAH SYED EMDADUL HAQ started to address the House in Bengali.

Mr. PRESIDENT: Shah Saheb, do not take advantage of the fact that because you are going to speak in Bengali that you are free to talk about a matter which is *sub judice*. If you are not careful I shall not call upon you the next time you desire to speak.

SHAH SYED EMDADUL HAQ then addressed the Council in Bengali, a translation of which is as follows:—

As other members of the Council will deal with this matter more thoroughly, I do not think it worth while on my part to take up the time of the Council. I would only support the motion.

Dr. PRAMATHANATH BANERJEA: For a few weeks past heart-rending stories of the worst acts of oppression by the police, including rape and loot, have been current. The object of Government in issuing its recent *communiqué* on the subject is evidently to remove from the public mind all suspicion about the conduct of the police, but it appears to me that instead of achieving this object, the *communiqué* has produced the very opposite effect on all fair-minded persons. The District Magistrate says that persons who were molested and outraged did not come forward to complain to him or to his subordinate officers. Now, Sir, it is well-known to everybody that the people of India are extremely reluctant to lodge complaints before Government officials, because they do not expect any redress of their grievances, but on the other hand they apprehend further trouble at the hands of the police who are the eyes and the ears of Government. The public have lost all confidence in Government officials who are regarded with fear and suspicion and are avoided rather than approached. There is apparently another reason why complaints were not made. In India, even the poorest classes of women who are victims of outrage are so overcome with feelings of shame and humiliation that they are extremely unwilling to make any statement about their sufferings or to seek any redress. Even their male relatives do not come forward to report for that very reason.

We learn from the *communiqué* that the Magistrate conducted his inquiries by house to house visits. Well and good. The results of the investigation are summarized in the *communiqué* which deserve the serious consideration of this Council. I shall refer now to a few remarks on some of the specific cases mentioned by the District Magistrate. The first case is a charge of rape against a constable. It is reported that this case was dismissed by the court and declared false. The decision of the court is accepted as final by the District Magistrate, but I do not believe that this decision will be accepted as final by the general public.

The Hon'ble Mr. H. L. STEPHENSON: I rise to a point of order. Is the member entitled to question a decision of the court of justice?

Mr. PRESIDENT: I did not quite catch what Dr. Banerjea said: all I heard him say was that the decision of the court was final.

Dr. PRAMATHANATH BANERJEA: Yes, so far as the District Magistrate is concerned, but this decision is not likely to be taken as final by the general public——

Mr. PRESIDENT: That of course might be your opinion. I do not think you can call into question any decision of the court which

is final for the time being. If you will look at the Manual you will see that you may not reflect upon the conduct of any court of justice. All you can say——

Dr. PRAMATHANATH BANERJEA: My remark is not a reflection upon the conduct of a court of justice.

Mr. PRESIDENT: All you can say, Dr. Banerjea, is that from your own knowledge, which may be superior to that of the trying magistrate, you do not agree with his decision.

Dr. PRAMATHANATH BANERJEA: I think this is a case for further inquiry; I am not prepared to accept the decision as final. I mean no reflection on the conduct of the court.

The second case was that of the widow of Maniruddin. In this case her story of rape was supported by her widowed sister-in-law, an elderly beggar woman, but the evidence is regarded by the District Magistrate as inconclusive. A very strange decision, indeed. We have a witness's clear evidence, and still the District Magistrate records this evidence as inconclusive. The third case was that of another elderly beggar women. This woman stated that she was dragged into a jute field and was outraged there, and the Magistrate after one month did not find any sign of disturbance in the jute field, and therefore held that the case was false.

Mr. PRESIDENT: All these cases that you mention now, have been fully dealt with by Babu Indu Bhushan Dutta in his speech; he made exactly the same comments upon them that you are making now; he said exactly the same things.

Dr. PRAMATHANATH BANERJEA: In these cases the victims are poor beggar women, and Government tries to make light of them and of the conduct of the police. I submit that the honour of a beggar woman is of the same value as that of the wife of a lord or a knight.

In the fourth case it is stated that the statements were contradictory. I do not see how. In the fifth and seventh cases evidently there was some backsliding on the part of the complainants for fear of oppression by the police; the sixth story is again disbelieved by the Magistrate. The whole mentality of the District Magistrate seems to have been seriously in disorder otherwise he would not have disbelieved these stories. There is not the slightest reason to disbelieve the story of a woman who has been outraged. It is inconceivable that the women of India would make statements involving shame and humiliation to themselves, unless they were true. The District Magistrate ought to have known this and it is for the Council to form an opinion on the conduct of the District Magistrate in the present case.

In the *communiqué* a threat is held out that judicial proceedings shall be taken by Government against persons who have given publicity to statements against Government officers. An excellent arrangement no doubt. Government is unable to prevent its officers from committing serious acts of oppression on men and women, and when well-intentioned persons publish the facts, they are threatened with punishment. There may have been some inaccuracies, some exaggerations in these private reports, but I am sure the Indian public will have no hesitation in attaching greater weight to them than to the results of the inquiry made by the District Magistrate. The inquiry was, to say the least, most unsatisfactory. I do not find words strong enough to condemn the conduct of the District Magistrate. The inquiry was most unsatisfactory, and the Council will be failing in its duty if it does not demand a full and impartial inquiry into the incidents by a body of independent persons. These outrages and acts of oppression have proved conclusively that those persons who are at present entrusted with the duty of preserving law and order in this province have failed absolutely and miserably in their task, unless law and order be a synonym for oppression in the official dictionary, it is high time that the entire system of police administration should be thoroughly overhauled. In the meantime we cannot rest satisfied with a mere whitewashing of the whole affair, but must insist on a non-official committee being appointed to investigate the matter.

Babu KISHORI MOHAN CHAUDHURI: It is a typical instance of the happy or unhappy combination of judicial and executive functions in the same office. No wonder that the occurrences took place on the 18th May and the Magistrate visited the locality on the 18th June! How was it that the matter did not come to his notice earlier or how was it that he did not think it necessary to go to the spot earlier for making a personal inquiry? In the newspapers' reports we see that some Congress men were there but their help was not taken, and though requests were made to the District Magistrate to make inquiries by house to house visits he did not do so, and only visited a few houses which he chose or as he was asked to do by his subordinate officers. The police were in charge of the village up to the 27th May as far as I remember. But the whole village was deserted. People fled for fear of death or the unusual happenings scared them away. The police remained there till the 27th May, but whether for the purpose of protecting the honour and preserving the life of the females and orphans who were still there or for preparing cases for the protection of accused persons who were also some police officers—I do not know. Down to this period how was it that no independent men from the judiciary could be selected to go from place to place and make inquiries? Instead of such a man, now a Deputy Superintendent of Police and now a Superintendent of Police and a

large number of constables were sent there not to elicit the truth but only to attach properties and make very little inquiries as to the serious allegations made against them.

I thank Mr. Dutta most sincerely for taking the trouble to ascertain some of the facts from persons supposed to be acquainted with the facts and also from personal investigation into the locality. It is strange that the Magistrate should sleep over this affair for more than a month. He should have personally gone to the village with some independent persons to assure the village folk that the culprits would not be whitewashed and that justice would be done to them. There was an allegation of a murder, but even the dead body was not examined by a medical man to show that there could not have been anything serious done, etc. The Magistrate did not take down the evidence of the villagers on the first day but he waited a day or two. How was it that the first statement was not taken then and there, thus allowing both the parties further time for preparation. In the name of good Government the allegation among others that outrages were perpetrated upon women behoves Government to institute a thorough inquiry into the conduct of the police and even that of the Magistrate.

The *communiqué* is not sufficient and cannot give us satisfaction, and I request Government to appoint a committee. The Magistrate is inclined, as head of the police, to protect the men under him rather than to protect the innocent persons committed to his charge. We think that in a matter like this he cannot act with impartiality and proper discretion. Why did he not take earlier notice of these unhappy happenings and why did he delay to visit the spot by several excuses and send sometimes a Deputy Superintendent of Police and sometimes a Superintendent of Police? He seems to have failed in the proper discharge of his duty and his conduct should be taken notice of by Government. The dacoity that took place subsequent to these disturbances should be also inquired into thoroughly by the committee. It will not be enough to prosecute some newspaper reporters or editors. These people may be asked to apologise for the publication of false reports or the aggrieved party may prosecute them, but why should Government prosecute these men and spend public money in the present circumstances. We take serious exception to this sort of proceedings.

Finally, Sir, I hope Government will find it possible to institute an inquiry which will inspire public confidence which should be satisfactory to the public and acceptable to the public. Let the inquiry be conducted by independent persons from districts unconnected with this affair. The Magistrate should not be there; some other person of known integrity and honesty from other districts should be there and high

judicial officers of Government may go there and institute a thorough inquiry with the help of non-official gentlemen.

Rai HARENDRANATH CHAUDHURI: With a deep sense of humiliation and despairing indignation the public have come to know something about the Charmanair incidents in spite of the utmost police precaution and the unveiled threats of prosecution of those who have ventured to report about them. Yet allegations of the very gravest nature have been made with regard to the incidents and reports have been current, which, even if one-tenth of them be true, will furnish one of the blackest chapters in the history of the administration of our province. And what are these allegations like? Well—(1) that about 150 women were either molested or raped; (2) that a whole village was looted; (3) that a villager was so badly treated that he died; and (4) that other acts of oppression have been committed, etc. And how have these allegations been disposed of? By a belated magisterial inquiry—an inquiry that was held a month after the dacoity on the 16th May and full two weeks after the events of the 5th of June—a magisterial inquiry held only for 3 days and only in ten specific cases! Now, I put it to the House—is it possible for the House or the public to be satisfied with the results of such an inquiry even if the results be embodied in a Government *communiqué*? If not, we can openly insist on the appointment of an impartial committee of officials and non-officials to carry on a sifting inquiry and to investigate into the matter as thoroughly as possible; and if the Government have the least regard for its good name, I think it will very soon see its way to appoint such a committee.

Rai JOGENDRA CHUNDER GHOSE Bahadur: There is one aspect of the matter which requires the serious consideration of Government, and that is this. First, that the action of the villagers, as the *communiqué* says, in mistaking the policemen who went there to defend them for dacoits and assaulting them was not a grievous offence. I think Government should have thought it to be a justifiable action and should have ignored it. If the villagers are not allowed to defend their homes from dacoits, this country will not be safe and the peace of the country will not be preserved by policemen alone; and if in that act of self-defence the villagers make a mistake, that ought not to be severely dealt with. Secondly, what justification was there for sending policemen in large numbers to arrest the whole village? Thirdly, when they found that the villagers had absconded why did they wait there? Fourthly, should a batch of 80 policemen have gone to arrest the whole village? Do the facts justify the action? I am not finding fault with the police, but I am finding fault with the authorities who ordered these steps to be taken. I know of a case which is even now pending in the Alipore Court of a zamindar whose tenants rebelled against him.

CHIEF SECRETARY to GOVERNMENT (Mr. L. Birley): I rise to a point of order; the case is *sub judice*.

Mr. PRESIDENT: You cannot refer to that because it is *sub judice*.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I will now speak about the case. In a property of mine, the tenants rebelled and burnt my cutcherry. What did I do? I did not send *lathials* in hundreds to depopulate the village, and when my tenants beat my durwans almost to death, only summons were issued against three tenants. Now, in this case in which the villagers mistook the policemen for dacoits, should they be so severely dealt with? Sir, the lust of power and the desire to shield the oppressors of the poor are not creditable to anybody. I will now speak of the oppressions of the police. I do believe that they are very much exaggerated, but I shall not at all be surprised if policemen are sent in such large numbers to arrest a whole village, that they would commit excesses of the gravest kind. I do not find fault with the police, but I certainly do find fault with the authorities for taking such severe and harsh measures.

Khan Bahadur Maulvi EMADUDDIN AHMED: We have read with regret the incidents that occured in Charmanair, and if I am permitted to say so, I think all Bengal is looking forward to what Government is doing in this connection. The incident occurred in a place which is inhabited by an illiterate class of men. Government have issued a press *communiqué*, but I refrain from discussing the matter for the present as it is now *sub judice*. There is, however, one point to which I draw the attention of the Government. Government have made the statement that proceedings should be drawn up against those who have made accusations against the police. I take exception to this, because as a lawyer I know that when a case is going on no one asks for proceedings to be drawn up against any witness as it would have the effect of terrifying other witnesses and thus prevent them from coming forward to tell the truth. Therefore, I think, that the statement in the press *communiqué* has led the people to think that Government have been trying to prevent them from coming to the spot and state the facts. To my mind this sentence in the press *communiqué* has been most unfortunate, and it might be misconstrued in that way. I hope Government will see that something is done, so that people who wish to come to the spot may not be prevented by this sentence in the press *communiqué*. Another matter which requires careful investigation is that the hands of the women were caught hold of by the police officers when putting questions to them, all the males having left the village. The allegation is that the women were outraged. Whether there is any truth in it or not it is for the Government to find out.

Mr. AJOY CHUNDER DUTT: I have listened very carefully to the speeches delivered in this Council to-day in connection with the very

unfortunate affair which has taken place at Faridpur. Thanks to Babu Indu Bhushan Dutta, we have some facts before us. Unfortunately this subject cannot be discussed in all its bearings, because the matter is *sub judice*. But I think upon the admitted facts a fairly strong case has been made out for an inquiry—an impartial inquiry—into the affair. I shall briefly place before the Council the facts which I think justify an inquiry for the purpose of finding out the real truth of the whole matter. There is no question that the particular village was deserted. The first question therefore the committee will have to tackle is, why was the village deserted? Why did so many people who lived there run away? There is no question that this was due to terror. What was the terror about? There is no explanation. The second fact is that one man has been killed—that is admitted. That man was beaten to death.

The Hon'ble Mr. H. L. STEPHENSON: I deny that entirely.

Mr. AJOY CHUNDER DUTT: Very well, one man died. It is the duty of Government to find out how that man came by his death. It is rather suspicious that no *post mortem* examination was held over the body of that man. It would have been far more satisfactory if a *post mortem* examination had been held in order to discover how the man came by his death. His death remains unexplained, and therefore a certain amount of suspicion is raised in connection with it. The third point is that there were certain allegations that one woman was raped and several women were molested and roughly handled. Now, when these allegations are made, it is best for the Government to say: "Yes; since these allegations have been made, we shall inquire into the matter to find out whether they are true or false and we shall publish the result of that inquiry." It is true there was some inquiry, but that inquiry was not sufficient. I do not think the inquiring officer went into all these questions to which I have referred and I do not think the inquiry was made in as detailed a manner as this matter requires.

One thing I should like to press upon the notice of the Council. This trouble has not arisen from any political *golmal*. It has not been engineered—it was spontaneous. Thanks to Babu Indu Bhushan Dutta, certain other facts have come to light. For these reasons a very strong case has been made out for an inquiry. The police have instituted a case against 35 persons for having assaulted them, but so far as I know these questions will not be relevant in that particular case. Therefore, for the satisfaction of Government and the public, it is extremely desirable that a thorough inquiry should be held into the matter.

Mr. HUSEYN SHAHEED SUHRAWARDY: It is I suppose a matter of infinite regret to the Government that the whole matter is not *sub judice*, so that the entire discussion may have been conveniently quashed. We are grateful to His Excellency that he has given us an opportunity of noting what action Government propose to take in this most important connection after the facts as culled by non-officials are made known to it—after it has had an opportunity of testing the information supplied by persons interested in the light of the testimony of those whose honesty is unimpeachable and disinterested. The tale unfolded is horrible in its poignancy, and the Government, if it is anxious to establish confidence in the people, must take early steps to revenge in the name of humanity the cruelties and crimes to which those consigned to its protection have been subjected by its agents. Please do not consider that we want the criminals punished because they are policemen. Much as I know of the power they wield in the mufassal, much as I am aware that petty cruelties, extortions and violence are their special *forte*, I also realize that they are of some benefit to society. But in spite of their utility I would beg the Government not to extend to them official protection for having committed such awful crimes as have put outside the pale even of official immunity—and further not to threaten the people already outraged with further penalties sure to be imposed by judicial administrators. If an inquiry is not held now there will be a further encouragement to their rapacity, on which I suppose, on account of the indulgence of the Government in the face of their repeated excesses, they imagine they are entitled to commit. Or must this go the same way as the resolution on the Mechuabazar outrage—a resolution passed by an overwhelming majority in this Council—when the police entered the mosque, shattered the chandeliers, rifled some boxes and left the imprint of their boots and shoes on the prayer cloth.

Mr. PRESIDENT: Are these facts in connection with this matter?

Mr. HUSEYN SHAHEED SUHRAWARDY: I was merely pointing out that the Government is in the habit of extending official protection to the outrages of the police in spite of the Council passing by an overwhelming majority a resolution condemning their acts.

Mr. PRESIDENT: You can do that without giving minute details about boots and shoes and so on.

Mr. HUSEYN SHAHEED SUHRAWARDY: I therefore beg the Government not to treat its ferocious tiger as a pet lamb and whatever license it may allow it clandestinely, should not feed it with raw meat in open light. We are watching with anxiety the action of the Government in this connection, whether it seeks to remain well with the country, and taking advantage of more or less peaceful times makes itself felt as the protector of the weak and helpless, or thrusting aside non-official opinion,

both inside and outside the Council and ignoring the voice of protest of the general public, pursues its haughty career, untrammelled by the calls of equity and justice, unafraid of the feeble protestations of an emasculated race.

Mr. L. BIRLEY: As some of the speakers in this debate do not appear to have read the *communique* very carefully, I think that on some of the individual cases there are points which be conveniently explained to the House. In the first place it has been said with reference to the first charge in the *communiqué* that processes should have been issued against the accused. Now, Sir, the accused appears to have been named and the case went before the court, and so it is difficult to know whether it is meant that if that accused was acquitted, it was then necessary to issue process against another accused; similarly, in the second case and the third case in which the Magistrate disbelieved the story. Even if he had believed the story, he would not be able to issue process against any accused, because not only was no person named, but the complainants stated that they would not have been able to identify the men. Therefore, it is difficult to see what the Magistrate could have done further in those cases. Statements have been made about the dreadful state of destruction, which was found in the village, but we have not been given any further details. Babu Indu Bhushan Dutta has had the advantage of conversation with those gentlemen who were so reluctant to give information to the District Magistrate, but he in spite of this has not been able to tell us anything more than we knew before, and the District Magistrate had an opportunity of seeing what damage had been done in the village and he has mentioned the two cases which were brought to his notice. If there were other cases, there seems to be no reason why they should not have been brought to his notice by Babu Bhabendra Mohon Bose and Babu Jatindra Nath Bhattacharjee, who were there and pointed out to him these two houses which he saw. Very little has been said about the cases in which the complainants deliberately denied the stories which were put into their mouths by other people. We have heard very little said about the daughter of Akrur Munshi and the daughters of Ram Kanto Mal. From these stories it is quite clear that rumours were started which nobody was willing to support; and when we were told that the Magistrate's conduct was to be found fault with because he disbelieved the stories for which the only foundation was the rumour the source of which could not be traced anywhere, and when at last he was able to discover the people who were alleged to have suffered from these outrages, they flatly denied anything about them. I do not see on what ground the conduct and character of the Magistrate are to be impugned. We all know that it is a simple matter to detach the mat wall of a house and it can be joined together again very easily, and no loss is caused and the man may do it himself. In one of these cases in which a photograph is said

to have been taken, the owner of the house stated that he had removed the wall in order to have it repaired. If the Magistrate in defiance of this statement had come to a conclusion for which there was no evidence, I think he might justly have been criticized for not taking a judicial view of the evidence put before him.

There is one point that hardly any speaker has failed to mention, and that is why was it that when these events took place on the 18th May, the Magistrate did not inquire into the matter until the 18th June; and the answer to this question is a very simple one: that he received no information until the 15th June and that fact has been clearly stated in the Government *communique* and it is only begging the question to say that the Magistrate wasted a month before going to inquire into these stories when he himself has reported that the first information that he got of them was on the 15th June, and it is also clearly stated in the *communique*, what he did on the 15th when he heard the stories. The first thing he did was to try and get some definite details on which he could work. It was necessary for him, if possible, to know the names of the people and precisely what the charges were, and for this purpose he sent for persons who professed to know. They refused to tell him anything. Some of the people refused even to see him and others who came and made statements refused to give names. He tried again to see some of these people on the 16th June and he saw them on the 17th, and he left on the 18th to make his inquiry, and he could not have made his inquiry any earlier than he did. And to say that he wasted time from the 18th May to 18th June is not a fair statement of his case, because he was not informed of these things until the 15th June.

The Hon'ble Mr. H. L. STEPHENSON: I am at some disadvantage because I have to answer in a quarter of an hour a stream, not of arguments but of prejudice that has been poured out for an hour and a half. Government welcomes this discussion, because it considers that the more attention is devoted to this incident the better; but I am afraid I differ from my friend Babu Indu Bhushan Dutta as to the incidents and particulars which I would stress. I take it that Babu Indu Bhushan Dutta has moved this resolution with reference to the big allegations of rape of 150 women and so forth, and in the short time at my disposal I shall not go into the minor questions of rough words used or slaps given. I gather the House would not care to waste two hours to discuss whether rough words were used or some people pushed. The big allegations were those of rape, loot, destruction of property. Now, Sir, what are the facts? After the dacoity the police came the next day, the 17th May, to the village. I think it is only natural that the persons who imagined that they were likely to be implicated in the assault on the police would not remain in the village. That is the explanation why the villagers were absent. A Deputy Magistrate was there on the 18th. I ask was any allegation

made against the police before him? The Deputy Magistrate went there again on the 28th and 29th. A mukhtear appeared before him on the 29th on behalf of the accused persons, and not one single allegation of any kind was made before the Deputy Magistrate on that day.

Then, Sir, the Superintendent of Police was there on the 27th of May and withdrew the police and returned to the village on the 5th of June with warrants from the court for the attachment of the property of the absconders and the arrest of a number of residents, and these warrants were carried out. Well, Sir, as I have not the time to go into the details, let me sum up what happened. In 6 out of the 20 days succeeding the dacoity, there were one or more of four gazetted officers in the village.

Dr. PRAMATHANATH BANERJEA: I rise to a point of order. He is only repeating what is said in the *communiqué*.

Mr. PRESIDENT: I entirely disagree with you, and I think that it is quite an improper observation for you to make.

The Hon'ble Mr. H. L. STEPHENSON: There was not a single instance of any complaint being made by the villagers to any gazetted officer during the whole of that time. There were 30 to 40 villagers arrested on the 5th of June. This was the second of the days on which these horrible atrocities are reported to have taken place. They were arrested on the 5th of June and sent to the Faridpur Jail. They were examined on the 16th of June. Not one single allegation of loot, rape or any other atrocity was made by any one of them. We have not a single instance of anybody in the village making a complaint to any responsible officer up to the 16th or 17th June. Meanwhile a self-styled committee of inquiry starts on the spot and proceeds on the 12th or 13th of June to send an alarmist telegram to Calcutta. This alarmist telegram speaks of loot, rape and other horrible atrocities, but no particulars are given. Then at some later date it was reported that there was no girl in the village between the ages of 13 and 30 who had not been outraged, but here again details were withheld.

The next stage is public meetings in Faridpur with violent speeches making serious allegations, but in not one single instance did anybody come forward with a definite complaint against any one. What was the District Magistrate to do? In the absence of anybody prepared to take the responsibility of making a complaint of this nature against any individual, he could do nothing. What he did was that he sent for one of the principal organisers of Madaripur who had arranged for the meeting at Faridpur, Babu Baman Das Chakravarti, and asked him for the details of these horrible atrocities to have a full and thorough inquiry made into them. Babu Baman Das Chakravarti replied that

he could not give any details because he did not know, but that he would bring two men who had been to the spot and who had taken statements of the people and knew all about them. The District Magistrate said: "If you will do that I will go and have a thorough inquiry made into the allegations put forward." Babu Baman Das Chakravarti particularly mentioned the name of Babu Subhendra Mohan Basu as the person who could give the details. On the next day, i.e., 17th, at 5 A.M., Babu Subhendra Mohan Basu leaves Faridpur and Babu Protap Chandra Guha Roy, who had photographs and written statements with him, which, it is alleged, would prove to the hilt these outrages, would not come and see the District Magistrate. The organizer and another gentleman came to the Magistrate on the 17th and declined to give any details. They repeated the general allegations, while the number of rapes had increased from 63 persons at the first meeting to 150 this time. Certain specific cases were mentioned—and they were mentioned in the Government *communiqué*—such as the nipple of a woman had been bitten off, and so forth, but these gentlemen absolutely declined to give the Magistrate any information as to these cases to enable him to make inquiry. And then Kishori Babu says: "Why did he not take the help of Congress officials." The Magistrate, despite all this, goes out to the spot, where he had already sent two Deputy Magistrates to make inquiries, and publishes a notice through the headmen of the village, saying that serious allegations have been made against the conduct of the police, of loot, rape and so forth, and if any one has any complaint to make, he can come forward and make it, and he adds a rider that in case any woman, through modesty or shame, does not wish to make any public complaint, her relatives may do so in private to the Deputy Collector. The result of this notice is that no one comes forward to make any complaints at all. The Magistrate goes then and starts a house to house visitation to inquire in every house whether there are any complaints to be made against the conduct of the police. In the course of the visit, he comes across the house of Gaizuddin—that was the only name that was given to the Magistrate at Faridpur, and that man was dead.' Coming out of the house of Gaizuddin, Babu Subhendra Mohan Basu, who had left Faridpur on the 17th morning without seeing the Magistrate, now gives him details mentioning specific cases and names. He was told that four photographs, two of houses destroyed and two of women outraged, which were taken on the spot, would prove the unnameable horrors that were committed. The District Magistrate went straight off and inquired into every one of those cases that Subhendra Mohan Babu had given him. The result is detailed in the Government *communiqué*. Of the 150 allegations of rape, only five, I think, materialized. Of these, two were withdrawn; or rather the complainants denied that there had ever been a rape or anything of the sort. As regards the third case, the Magistrate, while inquiring into it, found that there

was a definite information of a criminal case and it was sent to Faridpur for trial. That case has been dismissed by the court as false. The other two cases were the cases that have been mentioned in the *communiqué*, and it is sheer prejudice to insinuate that the District Magistrate took no action on these cases because they were beggar women. In neither of these two last named cases could the women say that they would be able to identify the assailants even if they saw them. It was absolutely impossible, therefore, for the District Magistrate to proceed further with these cases. In one case there was also the corroboration by another woman, but even then there was no possibility of identification of the assailant. In the other case, the two search witnesses were brought forward and they said that they were in the house during the whole time of the search and that the woman referred to was not in the house. The District Magistrate was perfectly justified in disbelieving these stories; in any case it was absolutely impossible for him to take any further action in the matter.

I claim that there was as thorough an inquiry as could be reasonably wished for by a responsible head of the district. If the Council is going to say that the District Magistrate is not fit to hold an inquiry, let them go further and say that the whole of our administration requires a radical alteration. That is, I understand, Dr. Banerjea's attitude. He is a non-co-operator; he does not trust our courts; he does not trust our Magistrates, but he is prepared, although he has not heard any evidence, to assume that the whole of these allegations against the police are perfectly true.

Dr. PRAMATHANATH BANERJEA: I did not say that.

The Hon'ble Mr. H. L. STEPHENSON: That was the assumption on which I thought the whole of his arguments proceeded, and if I have done an injustice to him, I gladly apologise. Well, Sir, after this thorough inquiry, these gentleman, instead of admitting that they are wrong or attempting to establish their allegations by putting forward sworn complaints in court, have fallen back on vague allegations against the District Magistrate. I would ask the Council to dismiss them as unworthy of notice. For three weeks or more we have been told in the vernacular press that Dr. Protap Chandra Guha Roy and others have statements in their possession and have photographs which will prove unnameable horrors, but they have not been produced to the public, the Government or to any Government officer. Now, Sir, I think that the House will agree with me that Government is perfectly justified in saying that a full inquiry has been made and that there is no case for any further inquiry unless some one is prepared to come forward and take the responsibility of making a complaint on oath when it will be inquired into in the fullest possible way.

Mr. PRESIDENT: The two hours allotted for this discussion have expired and the debate automatically ceases.

Adjournment.

The Council was then adjourned till 3 P.M. on Thursday, the 5th July 1923, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 5th July, 1923, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the Hon'ble the four Members of the Executive Council, the Hon'ble the three Ministers, and 95 nominated and elected members.

Starred Questions

(to which oral answers were given).

State scholarships for industrial and agricultural training.

*XIII. **Raja MANMATHA NATH RAY CHOUDHURY:** (*a*) With regard to the State scholarships, said to have been lately established by the Government of Bengal to enable our young countrymen to proceed to foreign centres of scientific education for industrial and agricultural training, will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state who are the young men who have been selected and sent?

(*b*) Will the Hon'ble the Minister be pleased to state whether any rules have been framed by the Government in this connection?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) Selection of candidates has not yet been made.

(*b*) A set of rules prepared by the Director of Industries, Bengal, is now under the consideration of Government.

Co-operative Societies for jute growers.

*XIV. **Mr. S. M. BOSE:** With reference to the answer given to my starred question No. XL on the 23rd November, 1922, will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state whether any steps have been or are being taken to start co-operative societies in East Bengal for jute growers, as was suggested therein?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: In view of the difficulties indicated in the answer given to starred question No. XL by the member on the 23rd November last, it has not yet been possible to make any progress in the matter.

Tour programme of Mr. Cook, Commissioner, Burdwan Division.

***XV. Dr. A. SUHRAWARDY:** Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to lay on the table copies of the tour programme of Mr. A. W. Cook since his appointment as officiating Commissioner of the Burdwan Division up to the 22nd April, 1923?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): The tour programmes of Commissioners are not submitted to Government.

Grant to the Ananda Mohan College, Mymensingh.

***XVI. Mr. S. M. BOSE:** With reference to my starred question No. XXXVI of the 29th January last, will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether he will be in a position in the course of the year to allot any grant to the Ananda Mohan College, Mymensingh, for the improvement of the teaching of science in the college?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): As at present advised, there is not much prospect of funds being available in the course of this year.

Rules for the periodic transfer of judicial and other officers.

***XVII. Dr. PRAMATHANATH BANERJEA:** Will the Hon'ble the Member in charge of the Judicial Department be pleased to state—

(*i*) whether there is any rule for the periodic transfer of judicial and other officers? If so, will the Government be pleased to lay a copy of the same on the table? If not, will the Government state on what principles the transfers are made; and

(*ii*) whether the principles apply to the members of the Provincial Executive Service, who hold the posts of the Presidency Magistrates in Calcutta? If not, why not?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*i*) and (*ii*) The member is referred to the answer given to unstarred question No. 114 at the meeting of the 28th November, 1921.

Dredgers in charge of the Irrigation Department.

*XVIII. **Raja MANMATHA NATH RAY CHOUDHURY:** Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state what use is going to be made of the dredgers at present and in the near future and in what localities, in view of the fact that the Government have announced their intention to keep in abeyance the project of the Grand Trunk Canal?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): As far as can be foreseen at present, the dredgers *Foyers* and *Burdwan* will work in the Bidyadhari throughout the year. Dredger *Alexandra* will probably work for three months in the Lower Kumar and for about five months in removing shoals in the Attrabanka and other shoals that may develop during the monsoons. Dredger *Ronaldshay* will lie up at once and the *Cowley* will lie up after three months' work in the Lower Kumar unless Government decides to take up schemes like the Tulshikhali and Sital Lakhya, etc. It is possible too that the *Ronaldshay* or *Cowley* may be hired to the Chittagong Port authorities.

Dealing with Goondas under the Calcutta Goondas Act.

*XIX. **Mr. BIJOY PROSAD SINGH ROY:** (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state how many of the goondas have been dealt with under the Calcutta Goondas Act?

(*b*) Will the Government be pleased to state the names of those goondas who have been actually punished under the said Act?

(*c*) How many more goondas do the Government soon intend to deal with and how many have already been deported?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): (*a*) and (*c*) Orders under section 6 of the Act have been issued in respect of 28 persons.

(*b*) Two persons named Lala *alias* Abdul Gafur and Raghu Nath Tewary have been sentenced under section 9 of the Act to nine months' rigorous imprisonment for disobeying an order under section 6. None of the other goondas ordered to be removed from Calcutta has been punished.

High way robbery and hooliganism in Calcutta.

*XX. **Rai LALIT MOHAN SINGH ROY Bahadur:** (*a*) Is the Hon'ble the Member in charge of the Police Department aware that

highway robbery and hooliganism still prevail in Calcutta to an alarming degree, notwithstanding the Goonda Act, and that notorious bad characters are still terrorising the Calcutta public?

(*b*) Will the Hon'ble the Member be pleased to state what action has been taken by the Government in suppressing the goondas since the passing of the Act?

(*c*) Are the Government considering the desirability of removing all the suspected goondas from this Presidency against whom sufficient proofs exist?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) Government are aware that the passing of the Goondas Act has not yet stamped out all crime of the nature referred to.

(*b*) Attention is invited to the answer given to starred question No. XIX during this session of the Council.

(*c*) The Act gives the initiative to the Commissioner of Police and District Magistrates in the area covered by the Act.

Unstarred Questions

(answers to which were laid on the table).

Pay of the teachers of three middle English schools.

70. Babu ANNADA CHARAN DUTTA: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether it is a fact that the teachers of three middle English schools (Chittagong Government Middle English, Calcutta Model and Rangpur Middle English) were omitted from the scheme of August, 1918, for improvement of the Educational Service in middle English schools, while three others (Cox's Bazar, Woodburn and Karya) got the benefits thereof?

(*b*) Will the Hon'ble the Minister be pleased to state what was the reason for such omission?

(*c*) Will the Hon'ble the Minister be pleased to state whether it is a fact that even after the reorganization of the Educational Services below the Bengal Educational Service in 1921, the teachers of the former three schools are getting lower pay and lower time-scale increments than those of the latter three?

(*d*) Will the Hon'ble the Minister be pleased to state whether a sum of Rs. 13,000 was budgeted in 1920-21 for the improvement of the pay of those teachers?

(*e*) If so, was the money spent for the purpose?

(*f*) If not, why not?

(*g*) Are the Government considering the desirability of taking steps to remedy the unequal treatment and hardship caused to the teachers of the former three schools?

The Hon'ble Mr. P. C. MITTER: (*a*) and (*b*) There was no scheme formulated in August, 1918, for the improvement of the Educational Service in middle English schools. Probably the scheme for the improvement of secondary education in Bengal is meant. This scheme was submitted by the Director of Public Instruction in August, 1915, and was given effect to in September, 1919. The three middle English schools at Chittagong, Rangpur and Calcutta were excluded from this scheme as they were attached to the normal schools. It was originally intended to treat them separately in view of their special requirements as practising schools attached to the training schools. But various unforeseen circumstances, such as the European War and the consequent financial stringency, prevented the formulation of such a scheme.

(*c*) It is not a fact that even after the reorganization of the services below the Bengal Educational Service, the teachers of these middle English schools have been included in scales of pay lower than those fixed for other middle English schools. Since the reorganization uniform scales of pay have been introduced for the teachers of all middle English schools in the Presidency. It is, however, true that seven vernacular teachers employed in these three middle English schools are now drawing pays at lower rates than their colleagues in other middle English schools who were benefited by the Secondary Education Scheme.

(*d*) Yes.

(*e*) No.

(*f*) Pending Government orders on the proposals for the general revision of pay of all the teachers in the Educational Services below the Bengal Educational Service it was impossible to decide whether any further improvement of pay of the teachers of these three middle English schools would be necessary in order to bring their pay into line with the pay of the teachers of other middle English schools.

(*g*) Yes. Definite proposals are now being considered by Government.

Inconvenience of the people in attending Civil Courts at Madaripur and Bhanga.

71. Khan Bahadur Maulvi RAHMATJAN CHOUDHURY: (*a*) Is the Hon'ble the Member in charge of the Judicial Department aware that the people of the Gopalganj subdivision are put to great inconvenience in attending Civil Courts situated at Madaripur and Bhanga in the Sadar subdivision?

(*b*) Will the Hon'ble the Member be pleased to state whether Government contemplate the establishment of Civil Courts at the headquarters station of the Gopalganj subdivision?

(*c*) Will the Hon'ble the Member be pleased to state whether the Government are considering the desirability of limiting the jurisdiction of the proposed Civil Courts at Gopalganj to the Gopalganj, Kotalipara and Kasiani thanas and of retaining the jurisdiction of the Muksudpur thana within the Civil Court at Bhanga, as at present?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Government admit the inconvenience.

(*b*) Yes, when funds are available.

(*c*) It has already been decided in consultation with the High Court that the Gopalganj munsifi should include the thanas of Kotalipara, Kasiani, Gopalganj and Muksudpur, and Government do not find any reason to alter this decision.

Inspection of Jails by members of Jail Standing Committee.

72. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Member in charge of the Revenue (Jails) Department be pleased to state whether any circular has been issued to all the Jail Superintendents requesting them to allow the members of the Jail and Judicial Standing Committee to inspect jails?

(*b*) If so, will the Hon'ble the Member be pleased to lay on the table a copy of the circular?

(*c*) Will the Hon'ble the Member be pleased to state whether the names of the members of the present Standing Committee have been supplied to the Superintendents?

(*d*) If not, are the Government considering the desirability of doing this?

MEMBER in charge of REVENUE (JAILS) DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): (*a*) Yes.

(*b*) and (*c*) A copy of the last circular issued by the Inspector-General of Prisons is laid on the table.

(*d*) The question does not arise.

Scholarships to Students in East Mymensingh.

73. Mr. S. M. BOSE: (*a*) Is the Hon'ble the Minister in charge of the Department of Education aware of the large number of students in East Mymensingh belonging to the backward classes?

(*b*) Will the Hon'ble the Minister be pleased to state how many scholarships available for students of such classes have been allotted to East Mymensingh and of what value?

The Hon'ble Mr. P. C. MITTER: (*a*) Yes.

(*b*) It is not possible to allot these scholarships district by district.

Silting up of certain rivers in Jessore.

74. Maulvi RAFI UDDIN AHMED: (*a*) Is the Hon'ble the Member in charge of the Department of Irrigation aware that small rivers in the district of Jessore, *e.g.*, the Kobadak and the Nabaganga, are being daily silted up owing to the prevalence of a large number of *bandals* (embankments for fishing purposes) which check the free flow of water and help the deposit of silt?

(*b*) Are the Government considering the desirability of taking steps for the removal of these *bandals*?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) Yes.

(*b*) The question of declaring the whole of the Jessore, Khulna and Nadia districts under section 76 (*b*) of the Embankment Act, II of 1882, is under consideration of Government.

Suspension of Courts' work for Friday prayers.

75. SHAH SYED EMDADUL HAQ: (*a*) Is the Hon'ble the Member in charge of the Judicial Department aware that work in the Civil and Criminal Courts is not suspended for prayers on Fridays?

(*b*) (*i*) Is the Hon'ble the Member aware that in the circular issued by the Government, no mention of the litigants and the connected persons was made; and

(*ii*) that they are in trouble for the want of a clear order?

(*c*) Are the Government considering the desirability of taking early steps to remove the difficulty?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Yes. Work is not generally suspended, but Muhammadan employees who wish to, may absent themselves for a reasonable time for attending *Juma* prayers.

(*b*) (*i*) Yes.

(*b*) (*ii*) and (*c*) Inquiries will be made.

Dacoities committed in Tippera, specially in Brahmanbaria subdivision.

76. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state how many dacoities have been committed in the district of Tippera, specially in the Brahmanbaria subdivision, between July, 1922, and June, 1923?

(*b*) Will the Hon'ble the Member be pleased to state—

(*i*) how many of such cases of dacoity have been detected;

(*ii*) how many persons have been put on their trial on the charge of dacoity and convicted; and

(*iii*) what special steps have been taken to put down dacoity in the Brahmanbaria subdivision since July, 1922, up to now?

(*c*) Have any gang cases been started? If not, why not?

(*d*) Are the Government aware that the people are filled with alarm and consternation owing to the failure of the police to detect dacoities?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): (*a*) Twenty-nine, of which 20 were in the Brahmanbaria subdivision.

(*b*) (*i*) Three.

(*ii*) Six persons have been placed on trial, but no one has been convicted; one is still under trial.

(*iii*) Preventive action under section 110 of the Code of Criminal Procedure against the gangs responsible has been taken and in 20 cases 47 persons have already been ordered to give security and 23 are under trial. Special patrols are also working in the area affected.

(*c*) No. The dacoities are not the work of any one particular gang.

(*d*) No.

Hostel accommodation for the Hindu boys at Jalpaiguri.

77. Mr. PRASANNA DEB RAIKAT: Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether the Government are considering the desirability of erecting a hostel for the accommodation of the Hindu boys of the zilla and the high English schools of Jalpaiguri town?

The Hon'ble Mr. P. C. MITTER: No such proposal is before Government.

Waterways under the Sara-Sirajganj Railway line.

78. Khan Bahadur Maulvi WASIMUDDIN AHMED: Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to lay on the table a statement showing the action taken, if any, for increasing the waterways under the Sara-Sirajganj Railway line?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: The question is under inquiry.

Grievances of assistant sub-inspectors of Police.

79. Babu SURENDRA NARAYAN SINHA: (*a*) Is the Hon'ble the Member in charge of the Police Department aware that it is the rule for the sub-inspectors (Bengal Police) to attain to a higher grade of Rs. 10 each time until the maximum scale is reached, at the end of every five years, and that there is no such rule or time-limit in the case of head constables (now designated assistant sub-inspectors) to attain to the grades of Rs. 30 and Rs. 35 from their initial pay of Rs. 25 per mensem?

(*b*) Is the Hon'ble the Member aware that such anomaly and differential treatment has aroused a feeling among most of the ranks of the assistant sub-inspectors, and much dissatisfaction is prevailing amongst them?

(*c*) Will the Hon'ble the Member be pleased to lay on the table a copy of the rules governing their promotion to higher grades, or to state whether they have to depend upon the pleasure of the authorities for it?

(*d*) Will the Hon'ble the Member be pleased to state the number of assistant sub-inspectors who are, every year, promoted from their rank to the position of sub-inspectors of the grade of Rs. 80 by the system of 50 per cent. selection from all the thanas of Bengal and the conditions that govern such selection?

(*e*) Are the Government considering the desirability of removing the anomaly as aforesaid and the dissatisfaction as well?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) Yes. Sub-inspectors are paid according to a time-scale. Assistant sub-inspectors are divided into three grades.

(*b*) Government are aware that assistant sub-inspectors are not satisfied with their scale of pay.

(*c*) Their grade promotion is governed by rule 71 of Volume III, P. R. B., which states that all head constables, whether of the armed or

unarmed branch of the force, shall be borne on the same district gradation list, and that their promotion shall be made by the Superintendent of Police.

Grade promotion is usually given according to seniority.

(*d*) Ten were promoted in 1921 and 8 in 1922. The rule on the subject is 31 of Volume III, P. R. B. Nominations are made by the Superintendents of Police and the appointments are made by the Inspector-General.

(*e*) The alteration of the pay scale is not in contemplation.

Admission of visitors to the meetings of local bodies.

80. SHAH SYED EMDADUL HAQ: With reference to the answer to clause (*a*) given to my unstarred question No. 25 put by me at the November session, 1922, will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to ascertain in which of the union, local and district boards and municipalities in Bengal visitors are admitted to their meetings?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): There are 1,351 union boards, 75 local boards, 26 district boards and 116 municipalities. To comply with the member's request it will be necessary to make references to all these bodies, and the labour and cost of such a reference would not, in the opinion of Government, be justified.

Belgachia Veterinary College.

81. Rai LALIT MOHAN SINGH ROY Bahadur: (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state whether it is true that the maintenance charges of the Belgachia Veterinary College have greatly increased since the retirement of Colonels Raymond and Smith?

(*b*) Will the Hon'ble the Minister be pleased to give a statement of expenditure for the last ten years and also the current establishment charges?

(*c*) Is it true that the second Imperial Officer draws other allowances besides his pay? If so, what is the reason for this?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (*a*) and (*b*) A statement of the total expenditure on the Bengal Veterinary College for the last ten years, together with a

statement of the establishment charges of the current year (1923-24), is laid on the table. Colonel Raymond retired on the 4th June, 1912, and Colonel Smith left the College on leave preparatory to retirement on the 1st April, 1922, and will retire from service on 24th December, 1923. The increase of expenditure in the years following the retirement of Colonel Raymond was due mainly to—

(*1*) the revision of pay of officers of the department;

(*2*) the increased number of students and patients;

(*3*) the increased cost of purchase and upkeep of cattle;

(*4*) the increased cost of labour.

The expenditure on the college reached its maximum in 1921-22, the last year in which Colonel Smith held charge. The departure of Colonel Smith was not followed by an increase of expenditure but by a decrease of Rs. 44,000 approximately. A further decrease is anticipated in the current year.

(*c*) Yes, Government have sanctioned as a special case a compensatory allowance of Rs. 100 a month to the second Imperial Officer, Bengal Veterinary College, personally, to meet expenses incurred in the efficient discharge of his duties

Statement referred to in the reply to unstarred question No. 81, showing the total expenditure on the Bengal Veterinary College for the last ten years, together with a statement of the establishment charges of the current year.

TOTAL EXPENDITURE.

	Rs.
1913-14	1,50,848
1914-15	1,50,844
1915-16	1,66,229
1916-17	1,57,289
1917-18	1,55,832
1918-19	1,72,373
1919-20	1,96,224
1920-21	2,20,773
1921-22	2,63,702
1922-23	2,19,193
1923-24	2,04,054

ESTABLISHMENT CHARGES FOR THE CURRENT YEAR, 1923-24.

			Rs.
Clerk	...	...	12,000
Technical staff	...	...	7,260
Servants	...	...	3,768
Constables	..	...	5,436
Travelling allowance	..	...	2,500
House rent and other allowances		...	4,890
Veterinary Court Inspectors		...	17,700
Principal and other teaching staff		...	62,280
Veterinary Assistants		...	2,220
Total		...	1,18,054

Complaints of tenants of Patuakhali against the Naib, Foolzuri Cutcherry.

82. SHAH SYED EMDADUL HAQ: (*a*) Is the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) aware of the complaints of the tenants in the subdivision of Patuakhali, Barisal district, against the naib (Assistant Superintendent) of the Foolzuri cutcherry?

(*b*) Is the Hon'ble the Member aware that in a raiyats' conference held at Foolzuri it was decided to move the Government in the matter?

(*c*) Are the Government considering the desirability of making an inquiry into the matter?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) Yes

(*b*) Yes.

(*c*) Petitions received on the subject have been sent to the Board of Revenue, Bengal, for disposal, as the estate to which the cutcherry belongs is under the management of the Court of Wards.

Abandonment of the Manikdah Canal.

83. Babu BHISHMADEV DAS: Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state—

(*a*) whether it is in the contemplation of the Government to abandon the Manikdah Canal; and

(ii) whether the Bhil Route Canal is to be extended westward to Madhumati or *via* Gopalganj towards the south?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*i*) It is not under contemplation to abandon the Manidah entrance channel.

(*ii*) The Bhil Route is not proposed to be extended. The only proposal is to make a short cut from Tentulia to the loop channel, and this work has been temporarily postponed for want of funds.

Resolutions

(on matters of general public interest).

Pasture Lands.

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): Order! Order! The House will now resume the consideration of resolution No. 3 on the paper, adjourned debate. Does any member wish to continue the discussion?

Mr. AJOY CHUNDER DUTT: I am very glad that Maulvi Ekramul Huq has brought this very important question to the notice of this Council. I represent a constituency in which this question is of very great importance, viz., Bankura. Fifteen or 16 years ago I am told that we could get cows' milk at 16 seers a rupee; to-day the rate is, I think, 2 or 3 seers a rupee. It is well known that Bankura is a very poor district; a portion of the district is steeped in malaria; the health of the people is very bad. It is also no exaggeration to say that a very large percentage of children of Bankura have never tasted milk in their life; they have been brought up on water. The question of milk-supply is intimately connected with the malaria question, because the stamina of the people of Bankura has been sapped by reason of the want of proper nourishment in the shape of milk. As I said, the people of that country are very poor and there are very few who can afford to buy milk at 2 or 3 seers a rupee. Therefore it is a question which should be very seriously considered by the Hon'ble the Minister in charge, and I do hope that he will accept this resolution.

Maulvi SHAH MUHAMMAD CHAUDHURI: The proposal of my friend Maulvi Ekramul Huq is no doubt a good one, but I think he has not considered the facts and figures of the case fully which may be applicable to the interest of our country. He has not considered how much land it would require and what would be the amount of cost involved in the proposal. For example, take a village of 100 houses and the average

number of cattle as 5 for each house, it will come to 500 cattle and if one bigha of land be taken for each cow then 500 bighas of land would be required to maintain the cattle of one village, and if the average price be taken at Rs. 75 a bigha then it will cost Rs. 37,500. Now, Sir, in each district there are above 10,000 villages and if 5,000 are left out considering they have got their pasture lands then the remaining 5,000 villages would require 250,000 bighas of land at the cost of Rs. 18,75,00,000. This is for one district only. Now, Sir, I ask the mover where this abnormal sum is to come from? Are the Government in a position to supply this amount?

My second point is that if 500 bighas of land be taken away from the cultivation of one village it will deprive 25,000 houses of their cultivating lands (20 bighas per house) and what would be their fate? No one will sell their own lands to them. They will have to leave the village and wander about for their living so to save the cattle is to starve the cultivators. In Bengal, as soon as the winter crops are taken away from the fields, they are left open, whereon cattle generally pasture.

The proposal of acquiring pasture lands seems to me unworkable. In my opinion the Department of Agriculture should find out some sort of fodder, which the cultivators can easily grow on their respective lands; so I oppose this resolution.

Khan Bahadur Maulvi WASIMUDDIN AHMED: I had no mind to speak on this subject. The absurdity of this resolution is so very patent on the face of it that I did not think it necessary at first to take part in the debate. But when I found that speaker after speaker rose to support this resolution, I thought I should not record my silent vote on either side. Of course I yield to none in my desire to secure pasture lands which may in return give us good milk for ourselves. But the difficulty is, how far is it possible for either Government or a society for the preservation of cows or district boards or union boards or municipalities to provide pasture lands? I find it is impossible to make arrangement for pasture lands, either by the Government, which has a big purse, or the district boards and municipalities, who have small coffers. As the last speaker has pointed out, even if a bigha of land is to be provided for each cow, then the amount of land that would be required would be so much that it would be impossible either for Government or for anybody else to find the money for it. Another question is that the land taken over for the cattle must be deducted from the land now used for the production of human food. But one important point has been missed. It is a patent fact, and it has been proved by researches in the Agricultural Department, that a land lying fallow and serving as a pasture land is far less useful than a land which produces a good crop, and not only a good crop, but hay and straw in addition for cattle. A bigha of land lying fallow for a year would not be able to supply so much a quantity of grass as it gives crops, hay and straw. So a well-cultivated land will

not only supply human food but fodder for cattle as well. The best thing for us to do is to find out some means whereby some crops can be produced on the land which would serve as a food for human beings, as well as for the cattle. If the crop is not required for human consumption here, it can be exported to foreign countries. The question of pasture land affects only a portion of the province where the land is above water throughout the year, but the best portion of the province, viz., Eastern Bengal, goes under water in the rains, and it is there that scarcity of fodder is felt. If any land is reserved for pasture in Eastern Bengal, it will go under water in the rains and the fodder will not be available; so this land will remain useless. For these considerations I think this resolution cannot be accepted and that Government should not accept it.

Babu KISHORI MOHAN CHAUDHURI: The question that the Council is discussing to-day is not a new one. I myself brought a similiar proposal before the Council in January, 1919. Of course, my suggestion then was that a committee should be appointed to consider the best way in which the cattle could be improved and what arrangement could be made for pasture lands. I am glad that the question has again been raised, though in a somewhat different form. Bengal is an agricultural country, and the question does not only concern the cultivators alone, but the question of milk-supply is also intimately connected with it. If we can arrange for pasture lands it will serve both the purposes; it will improve the cattle and I think milk will at the same time be cheaper. Of course, there are some difficulties in the way and on that account my resolution was opposed in 1919. The Hon'ble Mr. Cumming then assured me that some arrangement would be made in the *khas mahal* lands and that would pave the way, as others might then imitate. What improvements have been made in the *khas mahal* lands I am not aware of. At any rate, it is absolutely necessary that something should be done. In every village, pasture lands are being encroached upon. It should be ascertained who is to blame for this, the raiyats or the zamindars. I believe the raiyats are more to blame for this. In my own village there are about 30 to 40 bighas of pasture land, and once a question arose whether that land should be encroached and cultivated upon. I insisted upon the raiyats not to do that, and ultimately the idea was given up. We should make an arrangement by which these lands may not be encroached on in future. For this I am prepared to make some sacrifice and I hope everybody would do the same. If anything is to be done it is the duty not only of Government but also of the villagers and the zamindars to come to the rescue. During the Hindu period, in every village some land used to be set apart for pasture; in "Manu" we find that this was the practice. Now if Government sets apart some money and some arrangement is made either through the agency of the District Board or the Collector, everyone would welcome it. There are difficulties, but how those difficulties can be met it is not possible for me

to suggest. I hope that something will be done, that some money will be set apart in the budget, and that with the help of the villagers as well as the zamindars Government should arrange for the provision of pasture lands and the improvement of the cattle.

Babu ANNADA CHARAN DUTTA: The provision of pasture lands is a sad necessity for this country. I had occasion to send notices of resolutions to that effect, but they never came up. Thanks to the recent rules, this question has come up at least for discussion to-day. This will clearly show how everyone coming from the interior, not to speak of the gentlemen of the town, feels the sad necessity for the improvement of the cattle. Cattle are the wealth of the community. Recent statistics have shown that this wealth has deteriorated, so far as India, especially Bengal, is concerned. It is up to us now to take steps in order to safeguard this particular wealth of the country. From whatever standpoint you look at the question, it is clear that you cannot do without cattle. Good and healthy cattle are not available now for agricultural purposes, and they are gradually dying a slow death on account of want of fodder and grazing lands, and I am sure everybody will bear me out in this. People do not really understand the policy and the action of Government in this respect. So far as my part of the country is concerned, about 100 years ago there were—though there are a few we find, even now—some lands which were regarded as *gochâr*, i.e., lands set apart for the grazing of the cattle. But they have all vanished, and it is due to what? It is due to all of them having been brought under *khas mahal*. This short-sighted policy is now having its effect, because the lands, which could be cultivated at cheaper rates and by a better class of cultivators, formerly produced much more than at present. Still the process of bringing every strip of land under cultivation is going on. Certain lands the Settlement Officer thought fit to keep as common lands; even these lands are now being let out to the ordinary people, and the result is that there is not a strip of land where, during perhaps six months of the year, during the dry season, the cattle can get a mouthful of grass. This is the state of affairs in the country, and it is surely high time that Government should take steps without fearing the cost and if necessary making grants by instalments year after year in order to acquire certain lands for the purpose of preserving the cattle. The matter is not so difficult as my friend Babu Kishori Mohan Chaudhuri apprehends. There are places like jungles, there are *char* lands, and there are other lands in almost every district which can easily be converted into pasture lands and preserved not at a very big cost. In these circumstances I hope the Council will accept this resolution.

Rai JOGENDRA CHUNDER GHOSE Bahadur: Provision for pasture land for the cattle is a crying need in this country but there is one very great difficulty in the way and that is, in the rainy season, while

lands are under paddy, tenants cannot let loose their cattle. Even if you provide pasture lands cattle cannot be let loose in the rainy season because the paddy will be eaten up. Therefore during the rainy season the cattle must be tied up in their sheds. During the winter there is plenty of pasture; there is no need for it. It is only during the rains that the cattle starve. How is this to be avoided? Unless pasture lands are provided at a little distance from the village the paddy will be eaten up. So the question is not free from difficulty, but for the preservation of the cattle of this country Government ought to take steps to provide pasture lands. Where there are forests Government ought to allow cattle to graze there without any fees. I think that is what the Government can easily do. Beyond that what Government can do is difficult to conceive, but though it is a difficult question it ought to be tackled by Government and I am obliged to Maulvi Ekramul Huq for bringing this question before the House and drawing the attention of Government to the crying need of pasture land.

Rai Sahib PANCHANAN BARMA: I think that pasture land should be provided. In Bhutan Duars everyone knows that *khas* lands are provided by the State where the cattle can graze and some fee is realized per head of cattle. Although everyone there has more lands than he can cultivate still the people there feel the necessity of more grazing lands. In some parts of Rangpur, Cooch Behar and Goalpara, while the lands are under water during the rains, people are obliged to keep their cattle on lands above water and some pasture lands are considered to be necessary during the rains. Previously the people had more lands than they could cultivate in Rangpur and the neighbouring districts, but nowadays more and more land is being brought under cultivation and very little is left uncultivated for the grazing of cattle, with the result that the cattle have deteriorated and the people feel the want of pure milk, ghee, etc. The scarcity of milk, etc., has become very great and for this reason I think Government should tackle this question of pasture lands sympathetically. There may be some difficulty in acquiring land for grazing purposes but that difficulty should not deter Government from solving the problem. With these words I beg to support the resolution.

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: It was only at the very end of his long speech that the mover of this resolution made any reference to the subject of his resolution and then only to admit that this resolution contained an impossible proposition. We admit, Sir, that agriculture is our basic industry. We admit that the bullock is the pivot of agriculture in this country. We admit that the life of the child is often dependent on the milk of the cow. We may admit that our cattle are degenerating and we may even admit that the draught cattle in the time of Akbar walked faster than horses. We may admit that the pasture

land in Bengal is less than 3 million acres and that much of this land is useless as pasture, and that in respect of pasture the province of Bengal compares unfavourably with most provinces in India. It is true that official opinion has always admitted a great inadequacy of pasture land, but I think that if Sir John Cumming and Mr. Blackwood and other officials are cited on this point the mover of the resolution will admit that they should be taken as authorities on the question of dealing with the situation, for it is not denied that they studied it. And they always said it was impossible to provide pasture lands again.

The mover of the resolution traced at considerable length the growth of the tendency, which he deprecates so strongly, to encroach on pasture, but it is a case of the cattle being displaced by the people. We were given statistics of acreage and death rates and milk yields of certain countries, though I could not help noticing the absence of all statistics referring to fodder crops, for these would have shown that in this respect Bengal, too, is behind countries similarly situated.

The evils of *phooka* and the semi-starved condition of the cattle of our country were painted in lurid pictures, and the increasing pastures of some other countries were contrasted with our own diminishing pastures. We were told of the laws and the rules of Mysore and Baroda, of the recommendations of the district officers in Bengal in 1907. The speech of the hon'ble member was remarkable for the wide field it covered, the great research into facts and figures which it displayed and, I may add, with regret, the studious avoidance of the actual financial signification of the resolution which he moved. In much of what he said I could find myself in complete agreement with him, but, as I have said, he avoided the words, the letter and the spirit of his own resolution. He proposed legislation to enable local bodies to create and run free pastures; he proposed remission of half their revenue to zamindars who provided pasture lands; he suggested powers for panchayets to create village commons everywhere; he dealt with the railway embankments; he dealt with the forest lands. But he never dealt with the proposal to make provision in the budget of next year to provide adequate pasture in every village in every district in Bengal, which is the only proposal in his resolution. As an after-thought at the end of his speech he suggested that we might provide 5 lakhs of rupees in the next budget to accomplish his purpose.

Well, Sir, as we all agree, the question of pasture lands is familiar in this Council, and in the old Bengal and Imperial Councils. Mr. Raikat, who spoke in support of this resolution and who once had a somewhat similar resolution carried here, referred to that fact. The Hon'ble Sir John Cumming, speaking on the question in 1919, examined every aspect of the case and showed the complete powerlessness of any Government in this province to effect a solution on the lines

suggested in the resolution. No Government in the circumstances could do more than four things which the Government of Bengal has been doing. First, as a landlord in his *khas mahals* and other estates, Government sets a good example by reserving lands for pastures; secondly, in its Survey and Settlement operations Government takes every precaution to preserve existing rights of pastures; thirdly, Government does all in its power to encourage the care and improvement of cattle in the Veterinary and Agricultural Departments; and fourthly, it encourages local bodies or associations to provide small pastures where such may be possible. Great changes have occurred since Sir John Cumming spoke, but, no change has occurred to make a solution of these question more easy now than it was four years ago. In fact, if anything, the problem is more involved than before.

Sir John Cumming showed that no legislation such as has been suggested could be other than permissive on this subject and if only permissive it would almost certainly be a dead letter. And as regards the utilisation of forest reserves, I need only point out that even this would supply only a very partial and a very local remedy. The resolution before us, however, is almost solely financial. We are asked to make provision in the next budget to secure sufficient pasture lands for the needs of every district in Bengal. Now, Sir, that is a simply impossible financial proposition and not a single supporter of it can honestly say that he does not realise that it is utterly impossible. Least of all can Maulvi Ekramul Huq say so. In fact, Sir, he admits that his resolution is impossible financially. If he meant that we should provide a few lakhs of rupees in the next budget to buy a few hundred bighas of land for a few favoured villages—shall we say in Murshidabad?—then he should have said so in the resolution. But what does his resolution say? We are to satisfy the needs of every district in this wide province, not of a few favoured villages in Murshidabad.

How much land would satisfy the pasture needs of an ordinary village in Bengal? One hundred bighas would be far short of a satisfactory area, but let us take 100 bighas. In the richest grazing country in the world this would probably suffice for a dozen cattle, but let us take it as sufficing for all the poor cattle of a village in Bengal. The cost of pasture would therefore be about fifty crores of rupees for all the villages in all the districts of Bengal. Thus, Sir, the hon'ble member asks us to provide fifty crores of rupees in the next Bengal budget. Physically the proposal is equally ludicrous. Where is the land to come from in a country where we have 1,200 and even 2,000 people to the square mile? Economically the proposal is not only impossible, but it involves the disastrous displacement of a population over an area of a crore of bighas of land, a

population of several lakhs of families. This indeed is a sane proposition to put before this Council. No wonder the Shah Sahib moved his amendment, which is in itself a confession of the impossibility of the resolution!

Sir, the history of the vanished pastures of our country is a history of inevitable economic development in inevitable circumstances. No words, no discussions, no laws of ours can undo what has been done or remove the craving, the land hunger of Bengal. We must face the inevitable facts, we must cease longing for the moon and try in a practical way to ameliorate the difficulties of the situation. It is not a practically suggestion that Bengal should provide 50 crores of rupees by next March. It is feasible in certain places perhaps to create small commons, pasture grounds, and local bodies or co-operative societies should be encouraged to provide these wherever their provision is feasible. It is possible to insist on the preservation of existing pasture rights if the people will only insist on their rights. It is perhaps not all in vain to appeal to zamindars to help their tenants wherever possible towards some, though perhaps only partial, solution of this problem. And it is perfectly practicable to induce cultivators to grow more fodder crops than they do now. These are some of the palliatives that a practical man may suggest in the discussion of these painful questions. These and all similarly practicable operations we are prepared to encourage by precept and example, but we are not prepared to ask a country, with a revenue of 10 crores, to provide in 6 months 50 crores of rupees and to displace several lakhs of families. This is a phantom which we are asked to pursue. Let us be practical and let our sympathy for a very distressful situation not blind us to the real practical remedies for that situation. The Government for which I speak have every sympathy in their difficulties, and they will do anything possible to help them. But the proposal in the resolution is impossible and distinctly injurious in that it turns our minds away from beneficial proposals which may be perfectly possible. I therefore ask the Council to reject the resolution while at the same time I ask them to ponder seriously over the facts and figures presented by Maulvi Ekramul Huq, endeavouring by every means in their power to discover and suggest for the consideration of Government some practicable way out of the difficulties of which we all admit and regret the existence.

Maulvi EKRAMUL HUQ: I shall be very brief in replying to all that has been said by the Hon'ble the Minister. I must thank the Hon'ble the Minister in the first place for all the admissions he has made before the House. He has admitted that the want of good cattle has made us short in stature and it is that and that alone which is responsible for the many deaths that occur in the country. With this

admission Sir, is it not natural that the people should expect the Government to come forward with all the remedies in their power to combat a situation like this? Is it not also natural for us, when we find that the position is so bad and the mortality so great, to expect that the Government should try its best to carry out the recommendations made by the conference of district officers years ago? But what we find is that Government has so far done nothing—very nearly nothing—in this direction. Against this suggestion it is said that the proposal cannot be carried out because it entails an expenditure of about 50 crores of rupees. In the first place, I am afraid I am not willing to agree that such a cost as that will be necessary for carrying out the proposition that I have placed before the House. It will be much less, for the suggestions made by the district officers, if carried out, will enable the Government to carry out the project of providing pastures in every district in Bengal with a much lesser cost, and when we consider the fact that it is a matter of absolute necessity to the people, we expect that the Government will try everything in their power to find out a solution of this difficulty with as little cost as possible. It has been said by my friend Khan Bahadur Wasimuddin Ahmed that East Bengal is all the year round under water, and so there is no possibility of having pasture lands in those places. Then this fact alone should have led the Government to come to the conclusion that the cost could not be so much as 50 crores, but was bound to be much less. It is further urged against this proposition that I myself have admitted the impossibility of carrying out a proposition of this kind. I do not mean to suggest that the whole scheme should be carried out immediately, but if it is admitted that the matter is of vital interest to the people, I submit that it is the duty of Government to come forward with an annual amount of say 10 or 5 lakhs of rupees to carry out part of this project—not in my district, but let it be in the district of Mymensingh, if that is necessary. All that is necessary is that we should begin the operations, no matter in which district. By this means what we cannot perform to-day we shall be able to perform in 30 years. If it is admitted that it is a necessary measure, it is the bounden duty of Government to carry it out. The Hon'ble the Minister has said that it is not the case of pastures being encroached upon, but it is a case of the cattle being displaced by the people. I, however, find that quite the contrary is the case. In England we find that pasture land some years ago was 2 crores of acres—at present it is 30 crores. In America in the course of 10 years the difference is one crore of acres; while in this country we have been unable to do anything for our cattle. To my mind, Sir, this is a very important matter and I think the Council should accept the resolution, so that an attempt may be made to provide pasture land everywhere in the country, thereby lessening the mortality to the greatest extent possible. With these words I hope the members will see their way to accept my resolution.

The motion was then put and lost.

Munshi Makramali being absent, Shah Syed Emdadul Huq asked for permission to move the resolution standing in the former's name.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: Munshi Makramali was here a moment ago and if he does not move the resolution, it should fall through.

Mr. PRESIDENT: I cannot allow it, Shah Saheb. The member was here a minute ago, and I do not feel inclined to allow you to move this resolution unless I have some sort of explanation as to his absence.

The following motion thereupon fell through:—

"This Council recommends to the Government that tauzi No. 1942, Char Falcon, tauzi No. 1943, Char Jagabandhu, tauzi No. 1592, Char Behari and Char Jangalia, and tauzi No. 1590, Char Lawrence, be transferred to the jurisdiction of the Lakshmipur munsifi from the jurisdiction of the Hatiya munsifi."

Dacca Training College and Board of Intermediate Education.

Rai Dr. HARIDHAN DUTT Bahadur: I move that this Council recommends to the Government that the Dacca Training College and the Board of Intermediate Education at Dacca be abolished, the classes of the Dacca Training College being amalgamated with those of the David Hare Training College in Calcutta and the statutory work of the Intermediate Board being carried on by appointing the Vice-Chancellor of the Dacca University as the President and its Registrar as the *ex officio* Secretary to the Board.

My proposals as embodied in the resolution are of long standing. For the last two years I have tried my utmost to bring the practicability of adopting these measures as a means to reasonable economy. If I may be allowed to say so, these institutions are remnants of what is known as "partition" evils. Not only were the province and its people arbitrarily divided into two but most of the institutions were duplicated, thus doubling the cost of maintenance and enormously increasing the cost of administration of the already over-burdened and over-taxed people, at the same time weakening the strength of each individual institution.

The life of the Dacca Intermediate Board as constituted by the Resolution No. 1165-Edn., dated the 16th June, 1922, would have naturally expired by the 30th June and I am sorry that instead of utilising this opportunity to allow it the advantage of a natural death and decent burial, and at the same time of saving Rs. 40,000 a year, which it unnecessarily cost the province, the Government has given it

a new lease of life by again extending it for one year by a fresh Resolution (No. 1849-Edn., dated 22nd June, 1923). This Board, as I once before explained in this Council, prescribes the syllabus of studies and text-books and conducts examinations for three intermediate colleges and four high schools, all situated within the town limits of Dacca, and all subordinated to the teaching University of Dacca, and all catering for that University. In fact, they have to prescribe and decide what kind of studies, courses and books would enable the students to be qualified to claim entrance to the portals of the Dacca University. Any ordinary mind would see that the body best qualified to determine all these should be the authorities of the Dacca University. In fact, the principal members of this Board are all members and high officers of the Dacca University, as it should be. Two outsiders, however, not at all connected either with the University or with the intermediate colleges, are employed at an enormous cost with this none too heavy work as the Chairman and the Secretary, with a redundant office. The Vice-Chancellor of the Dacca University, with a "High Court Judge's pay" is an *ex officio* member and is a very important member—in fact the real controlling authority—of this Board. My humble submission was and always has been that by giving a small allowance to this highly paid officer as *de jure* Chairman—as he really is—and another small allowance to the Registrar of the Dacca University for the work of the Secretary, this Intermediate Board could have been better constituted and the work could be carried on more efficiently without the interference of outsiders as Chairman and Secretary. By this arrangement the tax-payers of the province would have been able to lessen their burden at least by Rs. 30,000 yearly. It must be admitted that no more money should be wasted in this way, and as the contemplation of having one Intermediate Board for the whole of Bengal has been postponed *sine die*, the further useless expenditure for this Dacca Board should be at once stopped by making the Vice-Chancellor of the Dacca University its *ex officio* Chairman. He is now merely a member, but is the real controlling authority in the Board. The Government is appointing him on numerous other committees, he is often made to come to Calcutta—of course with the payment of high travelling allowances—to attend the Senate and other committees. I mention these facts to forestall any argument on the part of the Government that they have no control over his time and leisure. I have every hope that the Council will take this opportunity to recommend to the Government to effect an economy of Rs. 30,000 at least by abolishing these two sinecure posts that should never have been created as stipendiary.

I am also requesting the Council to recommend to the Government to effect economy to the extent of nearly sixty thousand rupees by amalgamating the two training colleges of the province into one. I brought this proposal during the budget discussions of previous years

as well as by independent resolutions. I hope my position and the proposal will not be misunderstood by my friends from Eastern Bengal. I have no other interest in making this proposal than economy and efficiency; no harm is meant to the interests of the predominant partner of the province. Economy is the look out of the entire people of the province—the tax-payers of Eastern Bengal as well as of Western Bengal. My resolution, if carried, will bring about the saving of nearly a lakh of rupees to our impoverished exchequer and will lead to the remodelling of two effete institutions at Dacca. I may remind my friends of Eastern Bengal and bring to the knowledge of such friends of Western Bengal who do not care to keep themselves informed about educational matters, that the only qualified and European trained Professor of Educational Method and a Cambridge wrangler, whose services were lent to the Dacca Training College by the Dacca University, has left Dacca, as his substantive posts, that of a Dacca University Reader of Educational Methods, has been abolished by the Dacca University Court, and its permanent Principal, though a mere Arts man, has gone on long leave, and I am told is about to retire. Thus crippled, the institution is still kept up—as I have already remarked—a remnant of the policy of duplication of the institutions due to the partition. Thus we come to have two training colleges for training high school teachers, one at Dacca and the other at Calcutta, to prepare how many students? Only about sixty students annually to be teachers for high schools! For these two colleges we have two highly paid Principals, and a teaching staff of sixteen and duplicated establishment; the sanctioned budget estimate for the current year for these two training colleges is nearly a lakh and ten thousand rupees. I beg to point out that almost all the students are stipend holders and it is quite immaterial with them as far as the personal cost is concerned, whether they have to attend classes at Dacca or at Calcutta. Personally I do not care whether the united training colleges is located in Dacca or in Calcutta. But as Calcutta has more advantages for nature studies and other educational facilities, having the well equipped Museums, Geological Department, Survey Department, Botanical Gardens, Zoological Gardens, Historical Memorials (the Victoria Memorial), Imperial Library and Record Offices, as well as numerous factories and workshops in its neighbourhood, it is unquestionably a more advantageous centre for the location of a training college for teachers than Dacca. No one will doubt that by confining the training of teachers to Dacca we are depriving such trained teachers at Dacca of these excellent facilities available in Calcutta. It is therefore the common interest of people of the East as well as of the West to give the trained teachers the best of all the opportunities which the province as a whole possesses. It is therefore in the interest of the people both of East and West Bengal that I ask the Council to recommend the amalgamation of the two training colleges.

I once more appeal to my friends of Eastern Bengal seriously to consider the constitution of the temporary board; it is in the vital interest of the better education of the intermediate stage to strengthen it as I contemplate in the resolution. Intermediate education at Dacca is going from bad to worse, the only Science man at the head of one of these colleges is invalided and is about to retire, and in the three second grade colleges highly paid Arts men have been placed as heads, with the result that nearly all matriculated Eastern Bengal students are avoiding Dacca intermediate colleges, and are crowding round Calcutta colleges. Unless this Intermediate Board be placed in the hands of the Vice-Chancellor of the Dacca University nothing can save the situation——

The Hon'ble Mr. P. C. MITTER: I rise to a point of order. I think the hon'ble member is now referring to the Dacca Intermediate College which has nothing to do with the subject of his resolution. His resolution deals with the Dacca Training College and the Board of Intermediate Education.

Mr. PRESIDENT: Please keep within the four corners of your resolution, Dr. Dutt.

Rai Dr. HARIDHAN DUTT Bahadur: With a reformed Intermediate Board we can expect one and only one Principal of high scientific attainments for these three intermediate second grade college, that step will be economic and at the same time will increase the efficiency of all these colleges. Formerly the Principal of the Presidency College used to teach his subject, manage his own college, and was Superintendent of the Hare and Hindu Schools, of which we were students, besides acting as the Registrar of the Calcutta University. If one and the same man could undertake so many duties I really fail to understand why the Vice-Chancellor of the Dacca University cannot be entrusted with the duty of presiding over the Board of Intermediate Education. Sir, I have persistently tried for the last three years to find out how we could achieve economy by combining these two training colleges into one, by remodelling the Intermediate Board of Education. As I have already remarked, my primary object is to practise economy. Whether the future training college should be in Calcutta or whether the Dacca training college or the Calcutta training college should cease to exist, personally I do not care. All that I request the House to do is to consider whether the two institutions can be combined, when better work can be done and at the same time at a less cost.

Rai JOGENDRA CHUNDER GHOSE Bahadur: The interest in education shown by certain members of this Council in resolutions and in bringing bills and withdrawing them is very interesting indeed. These gentlemen place others in a very great difficulty.

As regards this resolution, the desire of Rai Dr. Haridhan Dutt Bahadur for economy is very commendable, but what does he know of the Training School at Dacca, and why does he wish to abolish it? What interest has he got in it? Why does he talk about it in this hall? For the province of Bengal which is larger than Germany two training colleges for teachers are not much, are not one too many. But I must give Rai Dr. Haridhan Dutt Bahadur what is his due. His observations about the Board for Intermediate Education are justified, though he did not know what they are concerned with; they are not concerned with intermediate schools. But I ask the Government how many schools are there; how many high schools are there; are there more than 3 or 4 under the Dacca University, and is it worth while having an institute and an expensive Intermediate Education Board for these few? But it may be said that this Board is an experiment, an example. First let us see how it works, so that when you have a Board at Calcutta we may have something, some example to follow. Beyond that the Intermediate Board of Education at Dacca seems in my humble judgment a superfluity.

With these observations I submit that the Dacca Training School should not be abolished, but that Government should take into consideration the observations made by Rai Dr. Haridhan Dutt Bahadur about the Board of Intermediate Education.

Nawabzada K. M. AFZAL, Khan Bahadur: I am sorry to oppose the resolution of my hon'ble friend the Doctor, who brought forward the resolution to abolish the two useful and important institutions established at Dacca—one the Dacca Training College and the other the Board for Intermediate Education. It seems as if anything that is beneficial to the interests of Eastern Bengal looms like a bugbear to my brethren of Western Bengal. This has emphatically been their attitude ever since the memorable partition days. The David Hare Training College in Calcutta is located in a rented building, the annual rent of which is Rs. 8,000 and trains fifty students only, and its hostel is also located in a rented house. Its students have to look to private and other institutions for their practical training in teaching, as there is no school attached to the college itself. The Dacca Training College on the other hand, has its own habitation and trains eighty students, and has its own practising school under "European" headmaster. It has its own hostel accommodation in a Government building, and its own football ground, tennis and badminton courts. It has commenced research work and Government has sanctioned research scholarships. It teaches up to the master's degree while the David Hare College gives only the bachelor's degree in teaching. Dacca serves Assam also, twenty students are sent from Assam each year, hence it is more central. And several students are also sent from H. E. H. the Nizam's Dominions during each session.

If my friend is anxious for the amalgamation of both the institutions on the ground of cost and the recommendations of the Retrenchment Committee, let it be so. I have no objection. Our training college is training eighty students and accommodation for fifty students of the David Hare College can easily be made at Dacca. This will cause a considerable saving of public money Here at Dacca the cost of living is cheaper; there is an abundant supply of the necessaries of the life and the climate is far more salubrious.

Now, Sir, I wish to speak only a few words about the other part of the resolution of my friend which concerns the Board. The resolution proposed is self-contradictory, because it proposes to abolish the Board and in the same breath proposes that the Vice-Chancellor of the University of Dacca should be the President and the Registrar, the Secretary of the Board. I need hardly draw the attention of the House to the fact that the Board of Intermediate and Secondary Education at Dacca, although at present established by executive order of Government, is really to have the way for the creation of a Provincial Board as recommended by the Calcutta University Commission after a most careful examination of the educational requirements of the province. It is going diametrically against the recommendations of the Commission if the Board established at Dacca were to be abolished. Moreover, while the other provinces are profiting by the suggestions made by the Commission, which was appointed primarily for the benefit of education in our province, it seems hardly a sound policy to bring up proposals before this Council to undo what has been attempted in the direction of giving effect to some of those suggestions in this province. Should we ourselves throw those valuable suggestions away? The most important reason for the creation of a new authority like the Board is the separation of the intermediate and secondary education from the university education, upon which the Calcutta University Commission laid great stress. In fact, the whole policy of the reforms suggested by the Commission hinges round this separation. Now the appointment of the Vice-Chancellor of Dacca University as President of the Board, or even as the Controller of Intermediate and Secondary Education will mix up what the Commission took great pains to keep separate. The Vice-Chancellor of a residential and teaching university has always his hands full, specially as the University of Dacca is still in the making. The problems of intermediate and secondary education are difficult and important, and require a whole-time man, specially one who has had sufficient experience of the conditions and requirements of intermediate and high school teaching. If these important problems are left in the hands of the Vice-Chancellor of a teaching and residential university, the intermediate and secondary education of this province is bound to suffer rather seriously. The Board established at Dacca is intended to prepare students for both the Universities of Dacca and Calcutta, and not for the University of Dacca

alone. There can, therefore, be no reason for appointing the Vice-Chancellor of one University to direct the Board.

Lastly, what appears to me to be the strongest justification of the Board established at Dacca is the important work it has done so far and has still to carry on. By the introduction of vocational courses at the intermediate stage, which have proved to be very popular amongst the students, the Board has taken a great step towards carrying out the recommendations of the Calcutta University Commission. I hope it will be clear from what I have stated that the resolution is quite unacceptable and highly prejudicial to the interests of Eastern Bengal.

Rai PYARI LAL DOSS Bahadur: I oppose the resolution. Training colleges are essential necessities for education, and the best system of education would be ineffective without trained men to work it. It would be well to quote here what Sir Michael Sadler wrote in his report on these points:—" A serious deficiency in the number of well qualified teachers is the fundamental weakness in the system of secondary and intermediate education. It is also the cause of an enormous waste of money and time. There is urgent need in Bengal for many thousands of well trained teachers." The necessity for training colleges is recognized in all countries. If we make a survey of other countries, we find that in Switzerland and Denmark the population of which is about one-tenth and one-eleventh of Bengal, respectively, there are 39 and 21 teachers' training college, turning out annually 2,007 and 1,600 students, respectively. In England, there are 88 teachers' training colleges, turning out annually about 12,000 teachers. Here in Bengal we have only two training colleges, one at Dacca, and the other in Calcutta, turning out annually about 120 students. The Retrenchment Committee, in their report, recommend the abolition of both the colleges, and I feel bound to say that the abolition of the two colleges, or either of them, would be false economy, and would be detrimental to the cause of education. If, however, one of the two colleges is to be abolished, it would be wise and economical to abolish the Calcutta training college. The training college at Dacca is located in a big spacious building which is owned by the Government and built for the purpose of the school, and no rent is payable in respect thereof. But the training college in Calcutta has no building of its own, and is located in a hired building for which large rent is being paid to the owner. The abolition of the Calcutta training college will thus effect a larger saving than that of the Dacca training college. Further, in Dacca, living is very cheap, and house rent very low, in comparison with that of Calcutta, and the retention of the Dacca training college means large pecuniary advantage to the students reading there. And lastly, the Dacca training college is situated very close to the Dacca University, where a new system of teaching has been introduced, and the students of the Dacca training college often come in close contact with the professorial staff of the Dacca University, and thereby acquire much

experience in the new system of teaching. All these advantages cannot be had in Calcutta. I, therefore, submit that if the abolition of one of the colleges be a necessity, the Calcutta training college be abolished, and the Dacca training college retained.

The mover also proposes the abolition of the Dacca Intermediate Board. This Board has come into existence only two years ago, and during this short time, it has done very useful work. It has introduced, in the curricula of studies, for the high schools and intermediate colleges, very salutary changes to meet the present needs and requirements of the people. It has introduced commercial studies and also vocational training; dyeing is being taught in the Jagannath Intermediate College. This is, mainly, due to the inclusion, amongst the members of the Board of non-official outsiders, who are local leaders of public opinion. If the Board be abolished, these non-official outsiders will have no control upon the system of education there. It would indeed, be then a woeful day for Dacca! The Resolution further suggests that the statutory work of the Board be carried on by appointing the Vice-Chancellor of the Dacca University as the President and its Registrar as the *ex officio* Secretary to the Board. The hands of the Vice-Chancellor and the Registrar are too full, and it would be unwise to impose further statutory duty on them: in proof whereof, I beg to recall to your memory the history of the lapsed money of the Dacca University grant. If their hands were not too full the history of the lapsed money would have been quite different. With these words I beg to submit that the entire resolution should be rejected.

Babu JOGENDRA NATH ROY: I rise to oppose the resolution moved by Rai Dr Haridhan Dutt Bahadur. I am afraid, Sir, the mover is not conversant with the conditions of Dacca, for he will not say that he entertains any grudge against East Bengal. In spite of the arguments adduced by him for the abolition of the Dacca Training College and the modification of the Board of Intermediate Education at Dacca, I remain unconvinced. Dacca has its own University and is in itself the educational centre of East Bengal. There is no reason why the training college then should be made a limb, and a weak limb, of the Calcutta Training College. We might as well have proposed the amalgamation of the Calcutta College with the Dacca College. The Training College is doing excellent work in Dacca and I hope the members of this Council will reject the proposal before them.

As to the Intermediate Board, I am afraid the mover displays deplorable ignorance of the actual state of affairs when he proposes that the statutory work of the Intermediate Board should be carried on by appointing the Vice-Chancellor of the University as the President and its Registrar as the *ex officio* Secretary to the Board. The hands of the Vice-Chancellor and the Secretary are already over-full and any addition of work is sure to result in the deterioration of the work of both the bodies.

The Training College was established at Dacca after due consideration to meet a want. The result of its establishment has not been unsatisfactory. No cases has been made out for its attack by the "retrenchment axe." Then why should the Legislative Council, at a time when the sands of its life are fast running out, try to forge in its furnace a new axe for this particular purpose?

The Intermediate Board is peculiar to Dacca. There the Government are giving a trial to systems of education which are likely to have far-reaching consequences, and may change the whole system of education in the province. It would therefore be unfair to cripple this Board by practically depriving it of a separate existence and thereby prolonging the period of experiment and delaying the ultimate success of the scheme.

Under the circumstances I strongly oppose the proposal.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: It seems that we are going to make a "fetish" of economy and retrenchment. In matters educational I would be the last man to propose any economy in the direction in which Rai Dr. Haridhan Dutt Bahadur proposes. I am in full agreement with Rai Jogendra Chunder Ghose Bahadur in his remark that having two training colleges, we have not got one too many. The defects which have been noted by thinkers on educational problems in this country are primarily these. I may refer the hon'ble members to the excellent article on education in Professor Rushbrook Williams' review on Indian conditions. He says that the three primary defects in Indian education are due to these: First of all we have very few properly trained teachers; their number is very limited and properly trained teachers are sadly to seek. The second defect which he notices is that there is little incentive for men of the right sort to enter the teaching profession. The third defect which he notices is that Indian education is too much dominated by the examination system. These are the three important defects which have got to be remedied, and an attempt is being made to remove them, first by the establishment of the Dacca University. All the trouble with regard to many members of this House is due to the fact that we have—and I also include myself in this class—very little experience of a teaching university. Whenever any problem of education comes up before us, we look at it from the point of view of our own *alma mater*, our university, the Calcutta University; so we are not in a position to realise what ought to be and what are exactly the duties of professors, and the obligations of a teaching university. The duties which can easily be performed by the Vice-Chancellor of the Calcutta University cannot be performed by the Vice-Chancellor of a teaching university like that of Dacca. That is a point which we always ignore. Further, with regard to training colleges, I may say that it is an important fact that Indian education has not advanced at the rate at which we desire that it should advance, mainly for the reason that we have got a very limited supply of properly trained teachers. Indeed, the persons

whom we have got as teachers may be graduates of the Calcutta University; but are the graduates of the Calcutta University properly trained to become teachers in high schools and colleges? Do they get any special training? I do not think so. Of course if the *alumni* of the Calcutta University are considered to be good for any profession, there ends the matter. But I am decidedly of opinion that the Calcutta University graduates are not properly trained for taking to the profession of teaching. Under these circumstances, two training colleges in a province like Bengal are not too many. There ought to be more. From figures given by some of the speakers, it appears that in European cities particularly in Switzerland and Germany, there are very big teaching colleges, and hundreds of teachers are trained there. We want educational institutions and colleges, but where are the teachers? Let us have properly trained teachers, and then education will spread throughout the country.

In this view of the matter, although I am one of those who advocate economy and retrenchment in every possible way in the administration, yet in matters educational I am opposed to economy, and it is for this reason that, when discussing the budget, I did not propose any "cuts" whatsoever in the grant demanded for education. In this view of the matter I think my friend Rai Dr. Haridhan Dutt Bahadur would be well advised to withdraw his resolution.

Mr. RAZAUR RAHMAN KHAN: I rise to oppose the resolution moved by my hon'ble friend Rai Dr. Haridhan Dutt Bahadur. I do not know what prompted my hon'ble friend to move this resolution at a time like this. Sir, I have closely followed the arguments that have been advanced by the hon'ble mover and have failed to understand what good will be done to the country in general by abolishing the Dacca training college or the Intermediate Board of Education at Dacca. One thing is clear. We want trained teachers in this country and there is a dearth of them everywhere. We want to have training colleges for them located in suitable sites where they can conveniently receive their training. We have got one such college at Calcutta and one at Dacca. Even these two are inadequate to supply the demand for trained teachers for the whole of Bengal. And it is the nature of things, it is indeed far more necessary and convenient to have a training college at Dacca than at Calcutta, because Dacca is a central place which can draw teachers to be trained from every part of the province. Therefore I think it would be retrograde step to abolish the training college there. I only wish that Government had more money to start more training colleges in the province.

Now, as to the Dacca Intermediate Board of Education, I do not know whether the hon'ble mover has gone through the statute that created the University of Dacca. It is clearly laid down there, in sub-section (5) of section 6, that it shall not be lawful for the University to conduct courses or maintain classes for the purpose of preparing students

for admission to the University. Now, Sir, all the high schools of Dacca were disaffiliated when the Dacca University Act came into operation. And if this Intermediate Board had not come into existence, the Dacca students would have been thrown into the streets and could not have been prepared for the university degree examination.

I do not also understand how the hon'ble mover could suggest that the Vice-Chancellor and the Registrar of the Dacca University could be put into the Intermediate Board as honorary workers. They are whole-time servants of the University to carry on the work of the university itself. If the hon'ble mover had given more thought to his resolution he would have seen how impracticable is his suggestion. I cannot too strongly condemn the proposal which has been made by my hon'ble friend.

The Hon'ble Mr. P. C. MITTER: The resolution really deals with two different questions. The only connecting link between these two different questions is Dacca. One part of the resolution deals with the abolition of the Dacca Intermediate Board, and the other part deals with that of the Dacca Training College. Well, Sir, Rai Dr. Haridhan Dutt Bahadur protested so much about his great love for Dacca and repeated so often that he is not at all actuated by any want of love for Dacca or East Bengal, that I positively grew suspicious. My suspicions led me to examine carefully his motive in lumping up two different propositions in one resolution, and the examination led to the discovery that his old love for Dacca could be the only reason for bringing these two different matters under one resolution. But to be serious, Sir, I think I should deal with each of these different parts separately. I will first of all take up the suggestion of abolishing the Intermediate Board at Dacca. Sir, the position shortly is this: under the Dacca University Act the Dacca University is absolutely precluded from having anything to do with examinations below the University course. The attention of this House has already been drawn to this fact by Maulvi Razaur Rahman, and previously on more than one occasion I had brought this point to the notice of the House. Therefore, Sir, the Dacca University cannot hold, either what is known as the matriculation or what is known as the intermediate examination; further under section 47 of the Dacca University Act, neither the Calcutta University, or, for the matter of that, any other university, can have anything to do with educational institutions within the five-mile area of the Dacca University. One portion of section 47 is this:—

No educational institution within that limit shall be associated in any way with or be admitted to any privileges of any other university incorporated by law in British India, and any such privileges granted by any such other university to any educational institution within that limit prior to the commencement of this Act shall be deemed to be withdrawn on the commencement of this Act.

So that, Sir, briefly, the position is this: There are eight high schools at Dacca and two intermediate colleges at Dacca. These schools and colleges cannot send up their students for examination to the Calcutta University nor can the Dacca University examine these students. That was the position in which I found myself when I took charge. I also found that before I took charge of my office the matter was carefully considered in a conference between the representatives of the Calcutta University and the Member in charge of Education under the old Government of Bengal; then it was also discussed between the Government of India and the Government of Bengal, and it was decided that, pending the creation of a statutory Intermediate Board, a body should be appointed by a Government resolution to conduct these examinations. Hon'ble Members will no doubt appreciate that if we had not this body, then the Dacca students would have to leave all secondary and intermediate educational institutions in Dacca and proceed elsewhere. That being the position, whether we like it or not, we must have an examining body for matriculation and intermediate examinations at Dacca. Now, Sir, my hon'ble friend has further suggested: "Well, if you do not abolish the Intermediate Board, why not appoint the Vice-Chancellor of the Dacca University as President and the Registrar as *ex officio* Secretary of that Board?" My answer is that the Vice-Chancellor of the Dacca University is a whole-time servant of the Dacca University; we, the Government, have no control over him. He is not our servant and the Registrar also is the servant of the Dacca University. We cannot compel them to accept these offices; and, apart from that, even if the Dacca University consented and even if they were appointed, as suggested, I doubt very much whether such appointments would not in substance mean an infringement of the statute. Well, Sir, this is all that I have got to say with regard to the abolition of the Intermediate Board. Then, Sir, about the abolition of the Dacca Training College. It is not a question of East Bengal or West Bengal. It is a question of training teachers for the whole province. Our arrangements for training teachers are wholly inadequate. We have about 900 secondary schools in this province and the total number of teachers is about 11,000. Out of that we have only about 1,200 trained teachers and about 10,000 untrained teachers. In these two colleges we have facilities for training altogether 118 teachers every year, and the total number of untrained teachers in this province, as I have already said, is to-day about 10,000. In provinces like the United Provinces, the Punjab and Madras, and other provinces, where the number of high schools is comparatively small, the arrangements for the training of teachers are much better than ours, and we, at any rate, claim that we are educationally far more advanced than any of these provinces. The United Provinces has got 4 training colleges, the Punjab has got 3, and Madras 3. The Sadler Commission recommended that there should be two university departments and 5

divisional colleges in this province for the training of teachers. It is not possible for us in view of the present limited resources of provincial finance to give effect to this recommendation, but certainly it is up to us to keep whatever we have, and not to abolish these two existing colleges. I therefore hope and trust that my hon'ble friend, Rai Dr. Haridhan Dutt Bahadur, after hearing these explanations, would see his way to withdraw his resolution. If not, I am afraid I must oppose it.

Rai Dr. HARIDHAN DUTT Bahadur: I am not at all surprised at the attitude taken up by some of my hon'ble friends, who fortunately all come from East Bengal. I know what would be the fate of my resolution and I am perfectly certain that I have not the slightest chance to carry it through this Council. But all the same I would ask your indulgence for two minutes to clear certain points. My hon'ble friend, Rai Jogendra Chunder Ghose Bahadur, seems to think that, because he is the representative of the Calcutta University here, all the educational information of the province must be his monopoly. Not being the representative of a university I was asked, where did I get my information from? My hon'ble friend, when speaking on the Ministers' salaries, cited the instances of Japan, Jamaica and other places. May I ask where he got his information from?

My hon'ble friend, Nawabzada Afzal is perfectly right in his attitude, and I think it was quite reasonable on his part to suggest that if one or the other had to go, he would rather have Dacca than Calcutta. I quite understand his feeling and I appreciate that. I may also mention that I do not care whether you abolish Calcutta or Dacca. I have no objection if Dacca remains and Calcutta goes. The Hon'ble the Minister has very rightly said that I have a strong love for Calcutta. That is so. I take pride in my native city.

Mr. PRESIDENT: What the Hon'ble the Minister said was that you had a strong love for Dacca. (Laughter.)

Rai Dr. HARIDHAN DUTT Bahadur: I presume, Sir, he meant Calcutta when he said Dacca.

The Hon'ble Mr. P. C. MITTER: I meant what I said.

Rai Dr HARIDHAN DUTT Bahadur: But some of my hon'ble friends seem to think that I was hard upon Dacca. The Hon'ble the Minister, however, has spoken about certain legal difficulties. I had also had legal opinion and it will be found that in the way my resolution has been framed, the legal difficulties can be met. I am not a lawyer, but I was advised to frame my resolution in this way in order to obviate legal difficulties. It was very good of my hon'ble friend, Maulvi Razaur Rahman, to come here and expound the law. I am not, however, prepared to take my law from him, although he is a

lawyer and I am not. Sir, I have nothing more to add. I think, however, that it would be advisable for me to withdraw my resolution.

The resolution was then, by leave of the Council, withdrawn.

[At this stage, the Hon'ble the President left the Chamber and Mr. Deputy-President took the Chair.]

Eradication of Malaria.

Babu TANKANATH CHAUDHURI: I move that this Council recommend to the Government that a Committee, consisting of experts, be appointed for devising means for the eradication of malaria from Bengal and for framing rough estimates of the probable cost of such operations.

We all know that a large number of people annually fall victims to malaria. We have heard times without number from the Hon'ble the Minister in charge of Public Health that, if he had sufficient money at his disposal, he would drive away malaria from Bengal, but he had never stated what amount would be required to cope with this fell disease. From time to time we have been hearing that certain methods would be taken to remove malaria. We all know that malaria is a preventible disease. In Italy it was found possible to drive out malaria by human efforts, as also in Panama; it was also tackled in Ismalia. Therefore, Sir, we can entertain hopes that malaria could be removed from Lower Bengal. It may be urged that Italy or Panama, being free countries, they can shape their own destinies, and unfortunately we are not in a position to do so. Well, Sir, this argument is flimsy and cannot, placed as we are now under the Reforms, stand the test of daylight. Sanitation being a transferred subject is now under the portfolio of the Hon'ble the Minister. Sir, you will agree with me when I say that the elected representatives of the people are responsible to their constituencies for devising means for improving the sanitation of the country, and if this elected body fails to do that, the fault is their own.

Sir, this country has been malarious for a long time, but Dr. Bentley said the other day that before the railway embankments were made the country was not so malarious as it is now. These railway embankments are responsible to a great degree for the prevalence of malaria in Lower Bengal. I hope, Sir, an attempt, a serious attempt, will be made at once for providing for a sufficient flow of water by opening up more culverts and bridges in the railway embankments. I had no mind to press for this resolution when I came to Calcutta this time. The term of the present Council is coming to a close very soon and I had a mind to wait for the next session, and after that the matter could have been pressed, but, Sir, the discussions of yesterday on the

subject of outrages in Faridpur made me make up my mind to press for this resolution without further delay. Is it possible for any country in the world to find the spectacle of the villagers fleeing from their village leaving their women and property to the mercy of a handful of policemen.

Mr. DEPUTY-PRESIDENT (Babu Surendra Nath Ray): You had better confine your speech to the subject-matter of discussion.

Babu TANKANATH CHAUDHURI: I was only referring to the effect of malaria upon the health of the people. Surely stronger men would not have acted like that under any circumstances and this is only possible for a malaria-stricken population.

Mr. DEPUTY-PRESIDENT: It is quite beside the point, and not logical either.

Babu TANKANATH CHAUDHURI: If the people of a place are strong enough to resist any aggression from outside, surely they will resist it to their utmost strength, but when they do not resist it, it is quite logical to argue that they are not strong, and that is due to some sort of disease which they have been suffering from. Now, Sir, I would refer to one thing. What is the duty of Government? The duty of the Government everywhere is to see that people should live in the country as long as possible with health, wealth, contentment and prosperity. But here in Bengal we find that the birth-rate is far lower than the death-rate. If the death-rate is to continue in this way unchecked for some years more, I am afraid the country will be depopulated. Can we not check the process of destruction that is going on? We want to have the opinion of such experts who have actually dealt with the question and have got practical and first-hand knowledge of it. We do not want to have the opinion of those who have got only second-hand knowledge. Sir, there is one more point I would like to press. If there is any illness in one's family one sends for a doctor, but one does not send a member of his family to get trained in the art of medicine first so that he can take up the treatment. I understand a gentleman has been sent to Italy to study the methods as to how malaria is to be prevented, and it would take a long time before he gets his lesson. Meantime, no steps will be taken for tackling the problem. So I would suggest that the Government would see their way to form a committee consisting of men who have actually tackled the problem of malaria in other countries. With these few words I commend my resolution for the favourable acceptance of this House.

Mr. AJOY CHUNDER DUTT: I do not wish to make a long speech on this subject because it came up before the Council and was discussed on several occasions. But there is just one thing which I would desire to bring to the notice of the Hon'ble the Minister, and

it is this. We have often heard of anti-malarial operations, but we really do not know the nature of these anti-malarial operations. We should be extremely grateful if the Hon'ble the Minister would kindly explain to us what the nature of these anti-malarial operations is. Sir, I am familiar with my own constituency, Bhisnupur. At one time Bhisnupur was a healthy place. But to-day it is a hot-bed of malaria. I have been trying to find out the reasons for this advent of malaria into Bhishnupur. Each one has his own theory; some people say it is due to the stagnant water, others say it is due to the new railway embankments of the Bengal-Nagpur Railway. Well, Sir, I do not know the true causes for the malaria in Bhisnupur. One thing has struck me and it is this, that we must have the men who have actually tackled the problem of malaria. I believe the experts who actually tackled the problem of malaria in Egypt are still available. Their services should be availed of, though I know it would be very costly. It is a very important question and unless it is energetically tackled, some districts of Bengal will be depopulated within 20 or 30 years' time. If we can spend two crores of rupees on the policy, it should not be difficult for us to find an adequate sum for meeting the expenses of anti-malarial operations. It is a most urgent question and the Hon'ble the Minister should tackle it energetically.

Dr. JATINDRA NATH MOITRA: Personally I have grown rather pessimistic about the appointment of committees. But still I welcome the resolution of my hon'ble friend, Babu Tankanath Chaudhuri. Ever since we entered the Council several attempts have been made from time to time to bring home to the Government—and by Government I mean the Hon'ble the Minister in charge of the Public Health Department—to the urgent necessity of doing his level best for eradicating malaria from Bengal. In my first budget speech I suggested that it would not be wise to touch this problem as a whole, as the available resources of Bengal can hardly touch even the fringe of the areas affected, but it would be useful if you can try to put all the available resources to eradicate malaria from only one district at a time every year or every two years, as the case may be. Sir, things done by halves are always worse than useless. There is another important aspect of this question. The education of the masses regarding preventive measures to be adopted is one of the prime necessities of this problem. District Boards, Local Boards, Union Boards and Municipalities should all combine for this common purpose. Above all, money should be spent ungrudgingly and the public exchequer should be thrown widely open. I must admit, Sir, that the Hon'ble the Minister realised the situation very early and organised conferences, sanitary conferences, in different places. In one of the meetings of this Council he declared that it was under contemplation to launch a loan

for this purpose as early as possible, but although two years have gone by, I do not find any visible signs for giving effect to this or any similar scheme. The straitened conditions of the public exchequer have, I believe, stood against the realisation of this scheme and if I am not entirely wrong that will always remain a stumbling block to all progress—sanitary progress—unless and until we can manage our affairs in such a way that sufficient funds may be always available for this purpose. That there is a real necessity for taking urgent measures for the eradication of malaria, no one, I hope, will dispute. In my last budget speech, I tried to show that the Bengalis, especially the Bengali Hindus, can be unhesitatingly declared to be a dying race, as the last census figures will show. There are only three or four districts in Bengal out of the 29 districts where the census figures show an increase of population, and all of them belong to Eastern Bengal. Burdwan is, I suppose, the worst sufferer in this respect; Hooghly, Murshidabad, Nadia, Jessore, Rajshahi, Rangpur, Dinajpur, etc., closely follow each other and it is a question of life and death of the whole Bengali race, and every moment is therefore precious. I am not unconscious of the valuable work done in this direction by the present Director of Public Health. His idea of flushing and flooding the areas affected is one which has been accepted by the majority of medical men in all countries, but to give effect to the scheme, a modest sum of about Rs. 10 lakhs will be necessary for each of the districts affected. In actual practice this figure may prove to be an under-estimate or wholly inadequate, but I am certain that this is the least amount which will be needed. I repeat that it is my firm conviction that half measures in too many places will always prove worse than useless than full complete measures directed towards one place, and one place alone, at a time.

One word more and I finish. I have heard with great regret that some 20 posts of Assistant Surgeons of Bengal are going to be abolished for giving effect to the scheme of retrenchment. That there is a real need for medical men in this country, no one, I hope, will dispute, and that there is a real need for better qualified medical men, all will perhaps agree. Whatever their faults, the class of Assistant Surgeons has always been known to supply a real need of their countrymen. Under these circumstances any scheme of retrenchment for abolishing the posts of Assistant Surgeons . . . . .

The Hon'ble Sir SURENDRA NATH BANERJEA: I rise to a point of order. I do not want to stop the discussion that is going on, but is the question of the abolition of the posts of Assistant Surgeons or the recommendation of the Retrenchment Committee at all relevant to the issue before us?

Dr. JATINDRA NATH MOITRA: I beg to say that although I am not a lawyer to know what is relevant and what is not, I think

that any question of improving the health of our countrymen has got a direct relation to the supply of medical men, and for this, I believe, the supply of better qualified medical men is necessary. I raise a timely note of warning that this is a retrenchment at the wrong end, and I hope our kind Hon'ble Minister will see his way not to give effect to this idea of retrenchmemnt of Assistant Surgeons.

Babu ANNADA CHARAN DUTTA: I had no mind to take part in this discussion, but I feel a shivering which is sure to end in fever. As a living example of this subject which is responsible for such a havoc throughout the whole country, I thought it better to get up and speak out very plainly that the Government had been very much amiss in its duties in driving away the scourge from this country. It is a sad tale known to everyone, even to boys at school, that thousands and thousands of souls of Bengal—millions, my friend corrects me—have been and are being carried away by malaria. It is so familiar and it is such a common knowledge that perhaps a repetition of it will not be so much palatable, but the fact there remains. Another fact of which the authorities seem to be obviously ignorant is that parts of the country which were formerly practically free from malaria are getting it. In answer to some of my questions, the Hon'ble the Minister in charge of this Department was pleased to say that in places like Chittagong, the cases of malaria were on the increase. What steps have been taken to prevent the spread thereof and to prevent the prevalence of malaria in places where it did not exist before? We have heard very big things from the Department. I did not know what useful purpose will be served by the committee which the hon'ble mover in his resolution wants. Perhaps another expenditure of a big amount of money by getting together some people who pose as experts, and who will perhaps in the end fail as any layman will do! Perhaps it is common knowledge that defective drainage, with the neglect of cleansing of places and jungles which are allowed to rot in rains, and with the omission to really reclaim marshy places, with all these, malaria comes in as a sort of sequel, an immediate sequel. Is it not therefore following the simple principle that prevention is better than cure. Would it not be wiser at least to keep those places free, to take time by the forelock, to take preventive measures in places where malaria has not as yet got a strong footing, and that can be done by small measures by laying out a few thousands of rupees. Believe me, Sir, I have been watching the condition of my own district and I have been able to find that the silting up of a certain stream which forms the Chittagong municipal boundary (Chatkai) seems to be responsible for the increase of malaria, and even black fever, about which we did not hear perhaps 15 years ago, but the attention of the Government could not be drawn to this fact in spite of our repeated demands. The matter was too small. Perhaps an expenditure of Rs. 20,000 could have saved a district, but no, that could not be done. They will allow district after

district to become malaria-stricken, to become half depopulated, and then weak measures will be formulated and big persons will be entertained on very high salaries for formulating a scheme for flushing the whole district which perhaps might be an impossible feat for even a Hercules, and then a big amount will be necessary and the money will not be forthcoming. Is it not putting the cart before the horse? Is it not an absurd proposition that we do not protect the areas which can be protected, but we wait and see that malaria goes there, takes a stronghold there and then formulate schemes. I think that it is not right. We are no doubt thankful to the Hon'ble the Minister, because I know as a matter of fact that he has been very sincere in his attempts to find out some means for the purpose of driving away malaria from Bengal. Except the formulation of big schemes which will not fructify in our lifetime, I submit that nothing practical has been done. Would it not be better to take up small schemes here and there and to see what the results would be? Therefore I submit that I had better mention a few things which I believe will do a great good to the country in the matter of at least stopping the spread of malaria and ameliorating the condition of the suffering people. There ought to be practical examples to the principles which Government had been pleased to accept, viz., as my friend Dr. Moitra told you, that Government should adopt all possible means for the supply of well qualified doctors in the interior and let us have as many medical schools as practicable. The principle has been accepted. That will be one of the best means of fighting malaria as well as other evils When it comes to actual execution of these projects, money is not forthcoming. A few thousands even are not forthcoming. Although we, the poor people of Chittagong, have been able to raise Rs. 50,000 the Hon'ble the Minister has not come forward with the other Rs. 50,000 for starting the school, in spite of retrenchment. So one step for the purpose of fighting malaria and evils of that kind has not been taken up. Similarly, as I have told you, no steps have been taken as regards the small items of opening up rivers and streams here and there which have been allowed to get silted up, the beds of which have been found to be a fruitful source of income under the head of revenue to the Government, so that the silted up beds of different channels throughout the whole of Bengal are being settled with different people. For the purpose of getting a few thousand rupees as revenue, the real welfare of the country has been ignored. The rivers have not been kept in their original state of carrying away the waters from different localities. The result is fever all round. We do not want any more roads. Roads really may be good for ordinary communication but at the same time roads have got the disadvantage of obstructing the natural drainage of the country. What we want is re-excavation, the improvement of the original channels which at one time formed the natural drainage of the country and which have always been neglected. So, you will see that instead of attending to the real necessities for the purpose

of keeping up the sanitary condition of the country well and good, the Government and the local authorities have allowed the silting up of these water communications in all parts of the country, and that is the reason to my mind why malaria is spreading throughout the whole of Bengal. That is the reason, I believe, why it has committed so much havoc in different parts of Bengal. I remember to have read in some place that there was a committee in order to find out what was the cause of the advent of malaria in certain parts of Bengal, and on that committee was the late Raja Digamber Mitter. The conclusion of that commitee was that on account of the railway embankments the water passage was blocked and that had given rise to malaria. This was many years ago; perhaps long before many of us were born. What effect has been given to that, except perhaps the make-show opening of a few culverts here and there on the railway lines? Nobody seems to have at all applied his whole energy and mind to the problem as a whole. Is it not time therefore that the evils which have been allowed to grow on account of this omission on the part of the authorities since so many years should be tackled at once? No useful purpose will be served by sending an expert to Italy and other places to see how they are grappling with the problem, but I think that we had better confine ourselves to our own localities and profit by our own experiences.

I am sorry, having expressed myself in this way, that I cannot support the main proposal of forming another committee, because that will be another useless expenditure for getting together certain people who call themselves experts, but who can do nothing. I do not believe that the experts who are always engaged in our Sanitary Department are in any way inferior to those proposed by my friend. Therefore I am sorry that though this resolution has got my fullest sympathy, I cannot really support it.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I rise to speak on this occasion with sorrow and a sense of disappointment akin to despair. During the last three years of our tenure of office we placed the question of the deterioration of the health of the people of this country at the very forefront of our programme. The very first motion moved in this Council was for the supply of medical help. The next was for the supply of good drinking water. Then I must give all the credit that was due to the Hon'ble the Minister, Sir Surendra Nath Banerjea, because he was deeply impressed with the great necessity for eradicating malaria, and for the last three years he has been trying to formulate a scheme. Unfortunately he has done nothing. Schemes and writings on paper and speeches do not help a dying people. We want a strong and vigorous measure, to grapple with this question of life and death of the people of Bengal, especially of the Hindu population, who are fast dying out. I cannot contemplate the contingency that stares us in the face, after 20 years of the population of Western Bengal

being reduced and the Hindu population being reduced by half. Something must be done. The problem must be grappled with. It is said that we have got no money. So far as I am aware this Council would have been willing to vote any sum of money for a proper scheme, and I believe that the entire population of Bengal would have been at one with this Council and with the Hon'ble the Minister if some feasible and proper scheme were placed before it. Unfortunately the schemes propounded by Dr. Bentley which had the blessings of the Hon'ble the Minister did not meet with the approval of a large majority of people. They would have been willing to pay taxes for that purpose. It is necessary for any measure involving taxation to convince the leaders of the people that it is for their good. Until that can be done taxation cannot be resorted to. Therefore it is of the utmost importance that any measure for eradicating the malaria should have the approval of the leaders of the people of this country. Babu Tankanath Chaudhuri's resolution speaks of experts. The people of Bengal have had enough of experts. We must have experts' opinion but there is an abiding commonsense in the people. They are not always guided by extravagant schemes of so-called experts. Therefore experts we must have but we must have also the leaders of the districts, men who are on the spot who feel and work for it. They must be taken with us; they must be convinced of the utility of the scheme. Until that is done, people will not pay taxes. Therefore experts are all good. Let us have experts' opinion; let us also have the opinions of men who suffer and who are grappling with the question and fighting with malaria, in their native homes. They know the question much better than any outside expert. Therefore they must be associated in any committee which may be appointed to devise a scheme but the scheme must be placed before this Council. I do hope that the Hon'ble Sir Surendra Nath Banerjea, before he goes out of office, would place before the Council a scheme, cost what it may, for the eradication of this great evil which depopulates the country which he loves so well and which this humble friend of his loves so well. Therefore I would appeal to him to place before us in the August session, if he can, a scheme for the eradication of malaria. I was taken aback—I will conclude with this observation—by what I heard from Dr. Moitra, that 20 Assistant Surgeons were being dismissed.

Dr. JATINDRA NATH MOITRA: Not dismissed, but their posts are going to be abolished.

Rai JOGENDRA CHUNDER GHOSE Bahadur: Their posts are going to be abolished. Is that economy in the right direction? How can you increase the number of medical colleges and schools if you abolish the posts of Assistant Surgeons? If you want to fight malaria, you should do nothing of the kind. This is economy run riot and it should never be encouraged. If this matter were brought before the Council,

I am sure that it would be vetted unanimously by it. With these observations I support the resolution of Babu Tankanath Chaudhuri.

Rai Dr. HARIDHAN DUTT Bahadur: I rise to give my humble support to the motion which is now being debated. I am one of those who feel that during the last three years, whatever we may have done in connection with the question of eradication of malaria our efforts have not been of much success.

[At this stage the President returned to the Chamber and took the Chair.]

When we met here on some previous occasion the Hon'ble Sir Surendra Nath Banerjea gave us to understand that Government was raising a loan and from that loan large sums would be procured and that money would be available for a well considered scheme for the eradication of malaria. There were difficulties in the way. I do not therefore quarrel with him that during the last three years he has not been able to do much for the eradication of malaria from Bengal. But we have been hearing this question debated for nearly two decades. During that period if I wanted to find out what actually had been effected by the Government and the public I found practically *nil*. We find that villages which were at no distant date free from malaria are now the hotbeds of malaria. I remember about 10 years ago Diamond Harbour and its surrounding villages, which are not far from Calcutta, were considered to be free from malaria and myself and many of my friends were particularly anxious to convert Diamond Harbour into a sanitarium for Calcutta. But the Hon'ble the Minister will agree that at the present moment it is a hot-bed of malaria. So it goes without contradication that malaria instead of diminishing is fast increasing all over Bengal. I have not much knowledge of the distant villages, but from what I find from the suburbs of Calcutta I am bound to say that malaria, in spite of all attempts of Government and of the municipalities concerned, is fast increasing and developing. Now what are we to do? Government have not been sitting idle, and I give them credit for what they are doing, but I think that what should be done has not yet been done. I have never been very much enamoured with experts. I myself told the mover that it is very easy to call for a committee of experts, but to depend on their advice is not so easy. The experts will come and meet in committees and will make certain recommendations, some of which perhaps will be so wide and vast and expensive that Government would fight shy of them and many of us also will do the same. But we cannot ignore that, if we are to do any systematic work in connection with the eradication of malaria the first and the foremost thing that is required is the advice of the experts. In European countries wonderful achievements have been carried out in connection with the eradication of malaria. Whether those principles and those methods which have effected such wonderful improvements elsewhere can be carried out in Bengal is more than I can

say. It is the experts who can pronounce any opinion upon that point. That is why I have a sympathy for the proposal for the formation of a committee of experts. It may be said that we have experts in the Government of Bengal. I bow down to them, but at the same time I must submit that there is not much evidence as to the success of their work. Therefore I think that the time has come when we should try to find out if other experts could help us.

In this connection I should like to say one thing more. Bengal is notoriously malarious and amongst the measures for the eradicating of malaria the use of quinine is admitted to be the most important. It seems strange that even now a large percentage of quinine required in this country is brought from Europe and other countries. Some time ago I brought this matter before the Council in connection with the budget debate, and I wanted that the cinchona plantation should be expanded but I did not get much support. It is time that we should find out with the help of the experts whether Bengal can produce the whole of the cinchona that is required. If more cinchona can be produced in Bengal the price of quinine would be materially reduced. During the war quinine was too costly, now the price has come down, but still it is very high and it is difficult to get a full supply of quinine. In Darjeeling there is a cinchona plantation and there are several other places in Bengal where I think cinchona can be easily grown and the plantation expanded. I should think that some experts should be called to tell us whether Bengal could not produce the whole of the quinine that is required. There are several other things in which the experts can help us with their opinion. Dr. Bentley has placed before us the question of bonification; we are anxious to know what the results have been. I am particularly anxious to know whether Dr. Bentley's anticipations have met with the success which we all hoped for. Six years have passed away, let the experts tell us if he is going on the right lines. All these and various other points might be looked into and advised upon by the experts. Personally I am inclined to give my support to the motion of Babu Tankanath Chaudhuri and I hope it will be accepted by Government.

Babu DEVI PROSAD KHAITAN: When I came to this hall to-day I had no desire to take part in the debate on this resolution. But after having heard the three speeches I feel I may as well express what I feel over this question. There is no doubt that Bengal suffers very badly from malaria and immediate steps must be taken in order to eradicate malaria. The reason why I feel that a committee consisting of experts should not be appointed is this. If a committee is appointed, the result would be that it would take some time until the experts are found out who are to form the committee; then the experts will go out and make extensive inquiries; then they are to draw up their report; then the report is to be considered first by the Health Officer and then by the Secretary to the Government, then by the hon'ble the Minister,

then perhaps by the Finance Department, and such a long time will elapse after the report is made and considered by the Finance Department and brought to the Budget Department—and here it will have to be considered how much provision can be made in the budget in accordance with the recommendations of the Committee—that I fear that the formation of the committee and the report would delay the taking of steps which everybody in this House so sincerely desires should be taken to eradicate malaria. What I feel is this. Government have got their experts, and experts always vary in their opinion. There is no knowing that even if there be a collection of experts, they will not differ. Therefore the best thing, I think, is that the Government and the people should rely upon the opinion and advice of the experts that Government have got and act up to that, with as much persistence and expedition as possible with the amount of money available. No doubt, as the hon'ble the Minister is as anxious as anybody else, he will take further steps to see that more money is given by the Finance Department to take necessary measures in accordance with the advice of the experts, and I hope that the taking of steps will not be further delayed by the appointment of a committee of experts who, after all, may not agree.

The Hon'ble Sir SURENDRA NATH BANERJEA: Before I address myself to the more relevant issues which have been raised in the course of the debate, there have been some points referred to, which I humbly venture to think are utterly irrelevant and which call for some reply from Government. My hon'ble friend Rai Jogendra Chunder Ghose Bahadur was pleased to say, on what authority we have not been informed, that there was going to be a wholesale massacre or dismissal of Assistant Surgeons, and he was horrified that Government was going to do such a monstrous thing. I hope the House will give credit to Government for not doing anything so tragical; there is not going to be a wholesale massacre of Assistant Surgeons, but we are trying in our own humble way to give effect to the recommendations of the Retrenchment Committee in regard to this matter. The Retrenchment Committee recommended that so far as practicable Assistant Surgeons should be replaced by Sub-Assistant Surgeons. We are bound to consider their recommendation, and we have accepted it to the extent of replacing 6 Assistant Surgeons, but they are not to be dismissed; they will be absorbed in the cadre and will not lose their appointments. Therefore there will be no dismissal of any kind, wholesale or piecemeal. The Assistant Surgeons will not be in the same place as they are now in, but in other localities; they will be in the service of Government drawing their grade pay and doing such work as may be assigned to them. That, therefore, is an absolute misconception on the part of my hon'ble friend. Indeed I am disposed to use much stronger language and to say that an utterly unfounded charge has been

brought against Government upon evidence that should have been scrutinized before being used.

I desire to take note of one or two other charges made by a gentleman from whom I did not expect, them. My hon'ble friend Babu Annada Charan Dutta was pleased to observe that Government had been remiss in the performance of its duties in connection with the question of the eradication of malaria. That is a grave indictment. Fortunately for me he almost immediately afterwards contradicts himself by an admission, a significant admission, which I did not expect from a lawyer of his distinction. He said the expansion of medical relief would be a remedy to the ravages of malaria. He also pointed to the fact that Government was very earnest in its efforts to establish a medical school (in which he is himself personally interested) in his district. Furthermore, I may add that I myself have shown marked sympathy with the efforts of Babu Annada Charan Dutta and have promised a donation of Rs. 20,000 from a fund placed at my disposal. Therefore, as my friend has answered himself, it is unnecesary for me to elaborate the point further. To say that the Government has been remiss in the discharge of its responsibilities in this connection is really to utter a libel against the Government. Ever since I have been in charge of my responsible office, it has been my incessant endeavour to do something in this connection, but we have been confronted with enormous difficulties. Let me mention some of them. In the first place, schemes had been framed for anti-malarial operations extending over 10 years. These were drainage and not anti-malarial schemes. All these big projects had to be reconsidered and revised from time to time We could not afford to waste public money upon schemes which we thought were not calculated to serve the purpose for which they were intended. Then other schemes were under observation; they were under trial; the Arul Bhil scheme, which is a flooding and flushing scheme, was one of them. I understand that scheme is a hopeful one and the people of Jessore expect very good results from it. Therefore to say that we have done nothing, that we have been sleeping over this matter and have shirked our responsibility is, if I may use strong language, a calumny against the Government and its labours in this direction.

My hon'ble friend Dr. Jatindra Nath Moitra, who, I am glad to say, spoke on this occasion with greater reliance upon facts than is usual with him, observed that money would be necessary and a loan would be required. A loan would certainly be necessary for a great work of permanent utility, but he wanted to know why this loan had not been launched. You do not advance loans to a bankrupt Government, and we want a surplus upon which to base the loan. If you go to the market and ask for a loan, and the investors find out that you have not got a sufficient surplus to meet the interest charges and the

sinking fund, do you really think that the investors will place their money in your hands? Place your finances in order and then you will get a loan.

Let me now pass on to the resolution under discussion. My hon'ble friend Babu Tankanath Chaudhuri is anxious to have a committee, and I find that Dr. Haridhan Dutt supports the idea of a committee of experts. Himself being an expert it is natural, it may be presumed, that he should have a fascination for a body of experts like himself, though it may be in connection with a different matter altogether. But let me relate to this Council the story of these committees in connection with anti-malarial work. We had a committee, the Burdwan Committee, in 1863; we had another committee, the Nadia Drainage Committee in 1881; we had seven committees on anti-malarial operations from 1863 to 1907. Again in 1911, another committee was appointed, the Malarial Committee in charge of Colonel Fry; subsequently that committee was absorbed in the present Board of Health of 1917. That is the story of our committees, but what has been the net result? I would not say nothing. They have done useful work in the direction of research and have opened our eyes to considerations which had hitherto been unknown. They have been useful in research. I do not want for one moment to minimize the importance of research work in connection with malaria. The bounds of knowledge have to be widened and expanded. Nature must be made to yield up her secrets in the interests of man. These committees have given us enough of light, illumination and guidance to undertake active work in connection with malaria. We know what to do, because they have given us a clear vision of our responsibilities in the future. Therefore I say "away with committees for the present" and let us take advantage of the knowledge that we have gained from these committees, let us build up our fabric of work upon that knowledge, let us start active anti-malarial operations for the saving of human life; and that argument of my hon'ble friend Mr. Khaitan strongly appeals to me. Suppose we have got a committee of experts; you have got to call the experts, then they will make their inquiries, possibly they will take evidence, then they will draw up a report, that report will come to the Secretariat, then it will come to me, and then probably to a joint meeting of the Government, all this will take about 3 years; and what will happen in the meantime? Our people will die like rats. We had enough of these committees, and I hope and trust my friend Babu Tankanath Chaudhuri after the explanation I have given will see his way to withdraw his motion which I freely admit has given rise to an interesting and useful discussion. You talk of experts. Can you mention the name of a greater expert than Dr. Bentley who has devoted his life and activities and has concentrated his whole soul on this matter? Even experts will want to know the local conditions with which Dr. Bentley is so familiar, and Dr. Bentley has trained up a body of men, his assistants, who are associated with

him in this anti-malarial work. Therefore there is no necessity for this committee. I was just referring to the light and guidance that we have gained from committees. There are certain things which stand out prominently and which we have to take up at once. The first is the need of propaganda work so as to dessiminate sound ideas of sanitation among our village people. The people must co-operate with Government, if you want to eradicate malaria; I say it is not the work of Government alone; and Government alone, standing by itself, will not succeed in grappling with such a stupendous and gigantic work. You must associate the people with the Government. The Government must be inspired with the enthusiasm of the people; and the people guided by the knowledge of the Government. Thus acting together they will be in a position to eradicate this terrible disease from the happy homes of Bengal.

Secondly, there must be a wider use of quinine. My hon'ble friend Dr. Haridhan Dutt has referred to this matter. Personally, I am in great sympathy with all that he has said. I think this Government ought to take up the development of cinchona febrifuge and quinine manufacture, this Government aided by other Governments, if necessary. Then comes the question of village conservancy. Here comes into play the village organizations which have been started by Rai Gopal Chandra Chatterji Bahadur, known as anti-malarial co-operative societies; these societies are spreading all over the Province. Let these organizations dealing with village sanitation associate themselves with Government engaged in the larger anti-malarial works, and the salvation of Bengal will be accomplished. Flooding and flushing is the true remedy against malaria. I have referred to the Arul Bhil scheme. We have in hand the great Bhairab project and our survey is almost complete; it traverses over four districts—Nadia, Murshidabad, Jessore and Khulna—and covers an area of 180 square miles. This is a big project. To-day I have heard in the course of the debate of a scheme for eradicating malaria. A scheme! We cannot have a single scheme for the whole of Bengal; we must have different schemes for different places according to the variety of local conditions. We cannot have one scheme. A committee would be useless; I therefore hope and trust that my hon'ble friend will see his way to withdraw his motion.

Babu TANKANATH CHAUDHURI: The Hon'ble the Minister has asked me to withdraw my motion, but I am sorry I am not in a position to do so. The people of Bengal are dying out very fast and it is high time that steps should be taken for stopping the ravages of malaria. The Hon'ble the Minister has said that there are experts under Government employ and their advice would be quite sufficient. But the Hon'ble the Minister has not said that any of these experts were actually in charge of any anti-malarial operations in Italy or other places wherefrom malaria has been driven out. We want to

know what is to be done, and we want to know what would be the cost of eradicating malaria. We want to know what would be the charge for driving away this disease from the country. When we know the cost, we will be in a position to decide whether it would be possible for us to pay it or not. I would like to reply to the observations of Mr. Khaitan. If he has eye disease, will he take spectacles on the advice of ordinary vendors, or will he spend Rs. 16 in consulting Dr. Moitra——

Dr. JATINDRA NATH MOITRA: Sir, I rise to a point of order. Why does the hon'ble member refer to me particularly? (Laughter.)

Mr. PRESIDENT: He is paying you a compliment, Dr. Moitra. (Renewed Laughter.)

Babu TANKANATH CHAUDHURI: If a man is suffering from a disease, he wants to get the advice of the best man. Sir, my point is this—that when the people are suffering from a disease, we want to get the advice of the best men and we do not fear to face the cost of getting this advice. The Hon'ble Sir Surendra Nath Banerjea has referred to the several committees which were formed by Government since 1863. These committees have done useful work in the past, but none of these committees have tackled the problem of malaria for the whole of the province of Bengal. There are different conditions prevailing in different parts. The Hon'ble the Minister has referred to the Bhairab scheme and other schemes. Is it any consolation to the people of North Bengal to hear that some anti-malarial operations are being taken up in the southern or western Bengal? Is there any justification in asking them to wait till the doomsday or till adequate funds are available in the hands of the Government? We have got only one question to face, viz., that so long the destinies of the people of Bengal were entirely under the control of outside people. Since the inauguration of the Reforms the subject of medical relief and sanitation in the country have been transferred to us. The elected members of the Council are responsible to their constituencies for the taking of adequate measures for medical relief in the rural areas. Are we facing the responsibility in a proper way? Sir, in this connection I would refer to a passage in the *Indian Daily News*. It runs thus: "Sir Surendra Nath will possibly ask Mr. Tankanath if he has got the financial programme cut and dried and can point out a new source which remains untapped. Mr. Tankanath will, perhaps, then find himself silenced."

Mr. PRESIDENT: How is that relevant?

Babu TANKANATH CHAUDHURI: My point is this that if there is any question about financial stringency standing in the way, I am going to suggest a way out of the difficulty.

Mr. PRESIDENT: By suggesting a new source of revenue?

Babu TANKANATH CHAUDHURI: Rather retrenchments in the different departments of Government.

The people of Bengal have been paying annually 30 crores of rupees or nearly six rupees per head. I do not think any scheme for the eradication of malaria would cost one year's revenue derived from the people of Bengal. It is no fault of the people of Bengal if the whole of this amount is spent on other purposes. I should like to point out one thing. The people of Bengal pay nearly 2½ crores in the shape of jute tax.

Mr. PRESIDENT: You see, Tankanath Babu, once you go into miscellaneous all sources of revenue—and it does not matter whether they are going into the right pocket or not—there will be no end to it. You must keep your remarks confined to the subject of your resolution.

Babu TANKANATH CHAUDHURI: Then I would only say this. There is enough money; only if the authorities would try to keep back sufficient money for this work. There can be no question of new taxation. The prime duty of every Government is to save life and I appeal to the members of the Council to see that this prime duty is carried out as quickly as possible. With these few remarks I hope that this resolution will be carried.

The Hon'ble Sir SURENDRA NATH BANERJEA: May I offer a personal explanation? We have already an expert, Mr. Inglis, who is now in Italy and will send us his report. Then Sir, there is another point with regard to cost. It will be years before we can find out the cost of the several schemes. There are so many schemes and if each scheme has to be examined, the committee will take 12 years or so to finish their enquiry.

Babu Tankanath Chaudhuri's resolution was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Azaharuddin.
Ahmed, Maulvi Yakuinuddin.
Ahmed, Munshi Jafar.
Ali, Munshi Amir.
Ali, Munshi Ayub.
Arhamuddin, Maulvi Khandakar.
Banerjea, Dr. Pramathanath.
Bhattacharji, Babu Hem Chandra.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Babu Tankanath.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, Rai Harendranath.
Das, Babu Shishmadev.
Das Gupta, Rai Bahadur Nibaran Chandra.
Dutt, Mr. Ajoy Chunder.
Dutt, Rai Bahadur Dr. Haridhan.
Dutta, Babu Indu Bhushan.
Ghose, Rai Bahadur Jogendra Chunder.
Haq, Shah Syed Emdadul.
Janah, Babu Sarat Chandra.
Karim, Maulvi Fazlal.
Makramali, Munshi.
Maitra, Dr. Jatindra Nath.
Mukhopadhaya, Babu Sarat Chandra.
Raikat, Mr. Prasanna Deb.
Ray, Babu Surendra Nath.
Ray, Kumar Shib Shekhareswar.
Ray Choudhury, Raja Manmatha Nath.
Ray Chaudhuri, Babu Sailaja Nath.
Suhrawardy, Mr. Hussyn Shaheed.

NOES.

Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Mr. Syed Nasim.
Banerjea, the Hon'ble Sir Surendra Nath.
Birley, Mr. L.
Bose, Mr. S. M.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
De, Mr. K. C.
De, Rai Bahadur Panindralal.
DeLisle, Mr. J. A.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Duval, Mr. H. P.
Emerson, Mr. T.
Forrester, Mr. J. Campbell.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. G. T.
Huq, Maulvi Ekramul.
Khaitan, Babu Debi Prosad.
Khan, Maulvi Hamid-ud-din.
Khan, Mr. Razaur Rahman.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Marr, Mr. A.
McAlpin, Mr. M. C.
McCay, Lt.-Col. David.
Mitter, the Hon'ble Mr. P. C.
Mukherjee, Babu Nitya Dhan.
Pahlewan, Maulvi Md. Abdul Jabbar.
Rahcem, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ur-.
Robertson, Mr. F. W.
Roy, Mr. J. N.
Stuart-Williams, Mr. S. C.
Villiers, Mr. F. E. E.

The Ayes being 30 and the Noes 36, the resolution was lost.

Withdrawal of resolution.

The following motion standing in the name of Munshi Ayub Ali was, in the absence of the member, deemed to be withdrawn:—

"This Council recommends to the Government that a committee consisting of devout religious Mussalmans be formed to consider whether the number of holidays at present provided for the Muhammadan festival of *Id-ul-fitr* can be increased either by diminishing the number of holidays prescribed for other Muhammadan festivals or by altogether abolishing some of them, at the same time keeping the total number of holidays prescribed for Muhammadan festivals intact."

"Id-ul-Fitr" Holidays.

SHAH SYED EMDADUL HAQ: I move the following resolution:—

"This Council recommends to the Government that a committee consisting of devout religious Mussalmans be formed to consider whether the number of holidays at present provided for the Muhammadan festival of *Id-ul-fitr* can be increased either by diminishing the number of holidays prescribed for other Muhammadan festivals or by altogether abolishing some of them, at the same time keeping the total number of holidays prescribed for Muhammadan festivals intact."

He addressed the Council in Bengali, a translation of which is as follows:—

The *Id-ul-fitr* festival is a very holy festival, and can be compared with the Christmas festival of the Christians. The Christians enjoy holidays for more than one day during Christmas, but it is a matter of

great regret that the Mussalmans do not get the same amount of holidays. After strenuous fasting for a month the Mussalmans become weak and emaciated and naturally they require rest for a certain number of days. Those who live away from their villages have to return to their homes on the termination of the *Id* and perform the necessary ceremony and feed the poor and enjoy themselves. But the time is so short that they cannot do all this.

There are two *Ids*. One is the *Id-ul-fitr* and the other is the *Id-uz-zuha* —the latter takes place after 2 months and 9 days from the *Id-ul-fitr*, i.e., on the tenth day in the month of *Zilhaz*. There is a great deal of difference between these two *Ids*, and consequently the same number of holidays for both of them creates much hardship. The *Id-ul-fitr* takes place on the first day of the moon in the month of *Shawal* while the *Id-uz-zuha* takes place on the tenth day of the moon in the month of *Zilhaz*. The date for the *Id-uz-zuha* is fixed more or less on the 10th day of the month, but it is very difficult to arrive at a correct calculation so far as the *Id-ul-fitr* is concerned. If one can see the moon on the first day so much the better, but if the moon be not visible on the first day then every calculation fails. It is proper therefore that Muhammadans should be granted some more holidays during the *Id-ul-fitr* to obviate the difficulties about the visibility of the moon. There is a wide gulf of difference between these two festivals, and so I would urge that the number of holidays during the *Id-ul-fitr* should also be increased.

Some of the Muhammadan members are opposed to the wording of my resolution. They are anxious to increase the number of holidays, but when on the last occasion I sent in another resolution of this description and spoke about half an hour in this very hall, they were present and did not give their votes for me. Sir, it is impossible to do any work in this Council without the co-operation of the Government. All what I desire is to increase the *Id-ul-fitr* holidays keeping the total number of Muhammadan holidays the same which are allowed at present. The number of Muhammadan holidays is very limited, and the Government gave us to understand that the committee which was formed for this purpose was of opinion that no increase in the number should be granted. As there is no chance of an increase in the number of holidays, I have worded my resolution in the manner appearing in the List of Business. I hope, Sir, that the Government would accept my resolution and give effect to it. As I am speaking in Bengali, and as the Hon'ble the Member in charge does not grasp me well, I leave the matter to a Muhammadan member who will be in a better position to elaborate the whole affair.

Maulvi Md. ABDUL JUBBAR PAHLOWAN: I do not quite understand this plea of the mover. No doubt the holiday on account of *Id-ul-fitr* festival should be increased. The one day fixed for it is not sufficient, but I cannot understand how the holidays for the other festivals can be reduced or altogether given up. I do not know if the mover was in his normal condition when he moved this resolution. However, I

would ask the Muhammadan members of the Council and the other members to consider the matter seriously and not to support the resolution of Shah Syed Emdadul Haq.

Mr. HUSEYN SHAHEED SUHRAWARDY: I regret very much, Sir, that this resolution has been worded in the manner in which it has been done. Perhaps it would do if the hon'ble member could find his way to increase the number of *Id-ul-fitr* holidays without diminishing the number of other Muhammadan holidays. I say this because I feel that there is really an earnest desire on the part of the Muhammadans that there should be at least two days set apart for the *Id-ul-fitr*. As matters stand, nobody can say when the moon will be visible and when the *Id-ul-fitr* will come off. The result is that although two days are mentioned in the list of Government holidays, there is a rider attached to the effect that if the moon be visible on a certain day the holiday will fall on the following day. Consequently no one knows till the very last day when exactly the holiday will be observed. I think it will certainly meet the wishes not only of the Muhammadan members of this Council but also of the Muhammadans outside it, if the holiday on account of the *Id-ul-fitr* be increased by one day.

Maulvi YAKUINUDDIN AHMED: I beg to support the resolution moved by Shah Syed Emdadul Haq, though several of my Muhammadan friends are of opinion that the number of other Muhammadan holidays should not be curtailed. I beg to submit that the *Id-ul-fitr* holiday comes after a fasting of 30 days and Government employees who fast throughout the *Ramzan* for 30 days would very much like that the holiday given on account of *Id-ul-fitr* should be extended to more than what it is now. As a matter of fact in Civil Courts there are two days' holidays, but in Criminal Courts only one day is allowed. It is therefore a matter of bare justice to give the Muhammadan employees holiday for two or three days more than is at present given.

After the exertion and fasting of 30 days, there should be a rest of two or three days, and Government should try and see its way to allowing them this further holiday. I appeal to my Hindu colleagues that *Id-ul-fitr* is a most innocent holiday—(Laughter)—there is nothing of sacrifice in it, it is the *Id* of almsgiving and rejoicing, and I do not think any of my Hindu colleagues would grudge the Muhammadan officers of Government, after their fast of 30 days during the *Ramzan*, this further holiday.

With these words I support the resolution.

Mr. RAZAUR RAHMAN KHAN: It is a peculiar position for one to rise and oppose a resolution with the underlying principles of which one agrees, but the resolution as it is worded, does not go so far as Muhammadans would like it to go. It is no good cutting down holidays from other Muhammadan festivals and adding to the holidays for this festival. It is well known how difficult it is for Muhammadans who

have to go to very great distances to their homes, to have only one day for their festivals. I appeal to my Hindu friends to put themselves in our position and then to realize the suspense which we have to suffer with our holidays. Our holidays are not possible till the moon is visible, and at the last moment, sometimes as late as 6 or 7 or even 9 P.M. we do not know when the holiday will begin. I would suggest that the member should withdraw his present resolution, if possible, and at some other meeting of the Council he might bring in another resolution urging upon Government to see its way to add at least one day to the *Id-ul-fitr* and one day to the *Id-uz-zuha* holidays. The only argument which Government will advance against this demand of the Muhammadan community is that probably Government will suffer; there will be a loud cry on the ground of retrenchment; they will say "if you cut down two days it will be a great burden on the public exchequer" and so on, but as it is we have now got 52 Sundays, 21 Christian holidays, 36 Hindu holidays and only 6 Muhammadan holidays. Is it fair, is it just? I would appeal to the member to withdraw his resolution so that at some other opportune moment, we may urge Government to increase the number of Muhammadan holidays.

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald): In the matter of the increase of holidays I cannot at present go beyond the recommendations of the Retrenchment Committee. They did not countenance any increase; their recommendation favoured a decrease. As to the resolution before us I am confronted with one difficulty, but apart from this I am prepared to appoint a committee. My only difficulty is that I am not prepared to take the responsibility of deciding who are devout religious Musalmans. If these two words "devout religious" are omitted, I am willing to accept the resolution.

SHAH SYED EMDADUL HAQ: I am willing to accept the omission of the two words.

The amended resolution was put and a division was taken with the following result:—

AYES.

Ahmed, Khan Bahadur Maulvi Wahimuddin.
Ahmed, Maulvi Yakubuddin.
Ahmed, Munshi Jafar.
Ali, Munshi Amir.
Ali, Munshi Ayub.
Arhamuddin, Maulvi Khandakar.
Banerjea, the Hon'ble Sir Surendra Nath.
Bhattacharji, Babu Hem Chandra.
Birley, Mr. L.
Chaudhuri, Babu Kisheri Mohan.
Das, Babu Bhishmadev.
Das Gupta, Rai Bahadur Nibaran Chandra.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dutta, Babu Indu Bhushan.
Emerson, Mr. T.
Goode, Mr. S. W.
Haq, Shah Syed Emdadul.
Hornell, Mr. W. W.
Huntingford, Mr. G. T.
Janah, Babu Sarat Chandra.
Khan, Maulvi Hamid-ud-din.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Makramali, Munshi.
Marr, Mr. A.
McAlpin, Mr. M. C.
McCay, Lt.-Col. David.
Mitter, the Hon'ble Mr. P. C.
Raikat, Mr. Prasanna Deb.
Ray, Kumar Shib Shekhareswar.
Robertson, Mr. P. W.
Stuart-Williams, Mr. S. C.

NOES.

Ahmed, Khan Bahadur Maulvi Emaduddin.	DeLisle, Mr. J. A.
Bose, Mr. S. M.	Dutta, Babu Annada Charan.
Chaudhuri, Babu Tankanath.	Ghose, Rai Bahadur Jogendra Chunder.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.	Khan, Mr. Nazaur Rahman.
Chaudhuri, Maulvi Shah Muhammad.	Pahlowan, Maulvi Md. Abdul Jabbar.
De, Mr. K. C.	Ray, Mr. J. N.
	Suhrawardy, Mr. Hoseyn Shaheed.

The Ayes being 33 and the Noes 13, the resolution was carried.

Pioneer farms for jute cultivation.

Mr. KRISHNA CHANDRA RAY CHAUDHURI: As requested by Rai Lalit Mohan Singh Roy Bahadur I beg to move the following resolution on his behalf:—

"This Council recommends to the Government that pioneer farms be opened for the cultivation of jute, sugar and cotton in every district."

In doing so I do not wish to take up the time of the Council, but will rest content with a few observations. We have been hearing for some time that crops are not quite up to the standard that is required. Commercial crops like jute and cotton are deteriorating; in sugar we have been ousted. What is the cause of all this? We cannot say that the soils have been intensely cultivated and so crops are showing signs of exhaustion. In spite of manures which the cultivators are using from time immemorial to remedy this evil, they have not succeeded. The reformers of agriculture point out that the foreign system of manuring will give an extensive outturn; but it is needless to say that all foreign manures cannot easily be introduced in the country. In proposing any improvement for this purpose we must bear in mind that the peasantry of Bengal is very poor—

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: As this is the last hour of business and as I am going to accept the resolution, I think the member need not proceed further.

The motion was then put and agreed to.

Prorogation.

Mr. PRESIDENT: I have it in command from His Excellency the Governor to announce that the Bengal Legislative Council stands prorogued.

B. G. Press—30-7-1923—125M—1,006—A. F. A. and others.

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